

FIFTY-FIRST DAY

(Monday, April 10, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hamilton
Allen	Hankamer
Allison	Hardeman
Alsup	Hardin
Bailey	Harp
Baker	Harper
of Fort Bend	Harrell of Bastrop
Baker of Grayson	Harrell of Lamar
Bell	Harris
Blankenship	Hartzog
Bond	Heflin
Boyd	Holland
Boyer	Howard
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown	Kennedy
of Nacogdoches	Kern
Bundy	Kerr
Burkett	Kersey
Burney	Kinard
Cauthorn	King
Celaya	Langdon
Chambers	Lehman
Clark	Leonard
Cleveland	Leyendecker
Cockrell	Little
Colquitt	Lock
Colson, Mrs.	Loggins
Cornett	London
Corry	Mays
Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Dean	McMurry
Derden	McNamara
Dickson	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dwyer	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Pace
Fuchs	Pevehouse
Galbreath	Piner
Gilmer	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar
Hale	Reader of Erath

Reaves	Talbert
Reed	Tarwater
Rhodes	Taylor
Riviere	Tennant
Roach	Thornberry
Roberts	Thornton
Robinson	Turner
Russell	Vale
Schuenemann	Vint
Segrist	Voigt
Shell	Waggoner
Skiles	Weldon
Smith of Frio	Westbrook
Smith of Hopkins	White
Smith	Wilson
of Matagorda	Wood
Spencer	Worley
Stinson	Wright
Stoll	

Absent—Excused

Anderson	Petsch
Coleman	Wells
Dowell	Winfree
Keith	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, as we come together again to resume our work we thank Thee for physical health and renewed privileges and opportunities. We pray, Lord, that our nation may be kept from foreign entanglements, and that those who force war may be rebuked and soon exhaust their powers for death and destruction. Do Thou qualify us for every right action today. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Coleman for today, on motion of Mr. Taylor.

Mr. Keith for today, on motion of Mr. Waggoner.

Mr. Winfree for today, on motion of Mr. Heflin.

Mr. Petsch for today, on motion of Mr. Hardeman.

Mr. Howard temporarily for today, on motion of Mr. Smith of Hopkins.

The following Members were granted leaves of absence, on account of illness:

Mr. Dowell for today, and balance of the week, on motion of Mr. Morris.

Mr. Wells for today, and balance of the week, on motion of Mr. Reed.

Mr. Anderson for today, and temporarily for last Thursday, on motion of Mr. Reader of Bexar.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Dal Vaticano, March 21, 1939.

"Mr. E. R. Lindley, Chief Clerk, House of Representatives of the State of Texas.

Luigi Cardinal Maglione, Secretary of State to his Holiness, has the honor to acknowledge receipt of the resolution of condolence passed by the House of Representatives of the State of Texas on the death of the late lamented Pope Pius XI of venerated memory.

The present gloriously reigning Pontiff Pope Pius XII was deeply touched by this mark of deferential regard for his distinguished and beloved predecessor, and he has been graciously pleased to command that an expression of his profound thanks and appreciation be conveyed to the House of Representatives of the State of Texas."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Robinson:

H. B. No. 954, A bill to be entitled "An Act relating to marks and brands of live stock in Chambers County, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said County; without any cost to owner and providing that such owners shall so record such marks and brands whether heretofore recorder or not and that after the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in Chambers County shall no longer have any force or effect and that after the expiration of six

(6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said County; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in said County for a period of thirty (30) days, and declaring an emergency."

Referred to the Committee on Live Stock and Stock Raising.

By Mr. Burkett and Mr. Crossley:

H. B. No. 955, A bill to be entitled "An Act establishing, authorizing and providing for Junior Colleges in connection with the Independent School Districts now established, or hereafter to be established and located in all counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200), according to the last Federal Census, or any subsequent Federal Census, and where the school buildings and grounds of such Independent School Districts are located, in whole or in part in a town or city having a population of not less than six thousand and forty (6,040), and not more than six thousand and seventy (6,070), according to the last Federal Census or any subsequent Federal Census; authorizing the creation and establishing by the Board of Trustees of such Independent School Districts as hereinabove defined, a Junior College. Providing the Board of Trustees of the Independent School Districts embraced within this Act shall comprise a Board of Trustees for the Junior Colleges; providing the Junior Colleges authorized herein shall be operated exclusively by tuition, and shall never become a charge against the State, or require appropriations therefrom; providing number of Departments for such Junior Colleges; providing qualifications of teachers in such Junior Colleges; providing minimum number of students in such colleges; providing minimum taxable values for such Districts; providing for enlargement of such Districts; providing for approval by the State Board of Education with the advice of the State Superintendent; providing for mode and manner of collecting taxes for such Districts; making said law cumulative of all laws and parts of laws now in force in this State with refer-

ence to the creation of Junior Colleges, and declaring an emergency."

Referred to the Committee on School Districts.

Mr. Reed asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 956.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Reed:

H. B. No. 956, A bill to be entitled "An Act amending Article 1322 of the Revised Civil Statutes of the State of Texas, 1925, relating to the execution of deeds by corporations, and declaring an emergency."

Referred to the Committee on Judiciary.

MOTION TO RE-REFER HOUSE BILL NO. 127

Mr. Faulkner moved that House Bill No. 127 be withdrawn from the Committee on Liquor Traffic, and referred to the Committee on Education.

Mr. Bell moved to table the motion to re-refer.

The motion to table prevailed.

BILL RE-REFERRED

Mr. Kinard moved that House Bill No. 750 be withdrawn from the Committee on Agriculture and referred to the Committee on State Affairs.

Mr. Cornett moved to table the motion to re-refer.

The motion to table was lost.

Question then recurring on the motion by Mr. Kinard, it prevailed.

BILL RECOMMITTED

Mr. Schuenemann moved that House Bill No. 944 be recommitted to the Committee on Common Carriers.

The motion prevailed.

MOTION TO RECOMMITT HOUSE BILL NO. 9

Mr. Boyd moved that House Bill No. 9, be recommitted to the Committee on Public Lands and Buildings.

Mr. Daniel moved to table the motion to recommit.

The motion to table prevailed.

RELATIVE TO THE EMPLOYMENT OF TEACHERS

Mr. White offered the following resolution:

H. S. R. No. 211, Relative to the employment of teachers.

Whereas, We have approximately forty-eight thousand (48,000) teachers in the Lone Star State of Texas; and

Whereas, They are gainfully employed in the public supported schools of Texas; and

Whereas, Some of these teachers are not naturalized citizens of the United States; and

Whereas, There are many other hundreds of teachers that are American born or have been naturalized and are without a position;

Resolved by the House of Representatives, That any institution of higher learning supported either whole or in part by State funds shall employ only those that are American citizens.

The resolution was read second time, and was adopted.

PROVIDING FOR COMMITTEE TO INVESTIGATE STATE PRISON SYSTEM

Mr. Mays offered the following resolution:

H. S. R. No. 212, Providing for committee to investigate State Prison System.

Whereas, On February 7, 1939, Governor W. Lee O'Daniel, in a message to the Legislature of Texas, suggested that a committee be appointed to make a survey of the Prison System in regard to the labor of convicts and the betterment of business conditions in order to improve said Prison System and make recommendations back to this Legislature within thirty days as to their findings; therefore, be it

Resolved, That the Speaker of the House of Representatives appoint five Members of the House on said committee and it is further ordered that said Members are hereby authorized to inspect and examine any and all records of the Prison System, examine any official or employee of said System, and to inspect and examine the conditions under which the inmates live and work, and are hereby authorized to employ a competent reporter to record the proceedings of said com-

mittee and be paid out of said Contingent Expense Funds of this Legislature upon a warrant drawn by said chairman of said committee approved by the Speaker of the House and said committee is given the power to swear and subpoena witnesses and the same powers are hereby conferred upon the District Courts of this State with reference to subpoenaing and swearing witnesses.

And said committee Members are hereby paid for actual and necessary expenses upon a sworn itemized statement which shall be approved by the Speaker of the House upon said approval the Comptroller of this State shall issue a warrant to said Member of said expenses. These expenses shall not exceed Five Hundred (\$500) Dollars.

The resolution was read second time.

(Mr. Leonard in the Chair.)

Mr. Davis of Upshur moved to table the resolution.

The motion to table was lost.

Question then recurring on the resolution, it was adopted.

(Speaker in the Chair.)

Mr. Mays moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE SIMPLE RESOLUTION NO. 214

Mr. Goodman offered the following resolution:

H. S. R. No. 214,

Whereas, The Hon. Joe Monkhouse, of Uvalde, is greatly experienced in all matters concerning the handling of horses, cattle, and other livestock and is known far and wide for his proficiency in such business; and

Whereas, The said Hon. Joe Monkhouse has recently acquired great proficiency in the handling of boats, ships, schooners, flotillas, fleets and other marine craft, animals and objects; and

Whereas, The Hon. Joe Monkhouse on the 8th day of April, 1939, passed all examinations for marine and submarine proficiency and is now entitled to the highest rank as a mariner; and

Whereas, A man with such an ideal combination of talents should be com-

missioned to place such talents at the disposal of the great State of Texas; and

Whereas, The State of Texas is now deficient in its naval organization and same should be brought up to date; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the said Hon. Joe Monkhouse be and he is hereby commissioned to organize, reorganize, direct and command the Texas Navy with full power of appointment, enlistment, dismissal and discharge and all other necessary powers; and, be it further

Resolved by the House of Representatives of the State of Texas, That the said Hon. Joe Monkhouse be and he is hereby appointed and commissioned Admiral of the Horse Marines.

Respectfully submitted,

GOODMAN,
POPE,
SHELL,
BROWN of Cherokee,
KERR.

The resolution was read second time, and was adopted.

INVITING THE MIXED CHORUS OF TEXAS CHRISTIAN UNIVERSITY TO APPEAR BEFORE THE HOUSE

Mr. Langdon offered the following resolution:

H. S. R. No. 215, Inviting the mixed chorus of Texas Christian University to appear before the House.

Whereas, The Texas Christian University Mixed Chorus of sixty voices will be in Austin for the annual Intercollegiate Choral Club Contest and for an evening concert in the Central Christian Church on April 20, 1939; and

Whereas, Two years ago the Texas Christian University Men's Chorus sang before the Legislature, giving a program that was greatly enjoyed; and

Whereas, William March, the director of this fine group of singers is one of the outstanding musicians in Texas, and is the author of the State song, "Texas, Our Texas;" and

Whereas, This mixed chorus has been invited to go to New York in June to sing at the New York World's Fair, being recognized as one of the

outstanding choruses in the United States; now, therefore, be it

Resolved by the House of Representatives, That an invitation be extended to the Texas Christian University Mixed Chorus to present a short program in the House of Representatives either on Wednesday, April 19, or on Thursday, April 20, 1939, at a time convenient to the musicians; and, be it further

Resolved, That a copy of this resolution be mailed to the director of the Texas Christian University Mixed Chorus.

LANGDON,
HULL.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 10, 1939.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. C. R. 33, Authorizing the State Highway Department to lend sufficient quantities of discarded wire to Brenham Independent School District.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATIVE TO CERTAIN POLICY OF THE STATE BOARD OF COSMETOLOGY

Mr. Kerr offered the following resolution:

H. C. R. No. 82, Relative to certain policy of the State Board of Cosmetology.

Whereas, The State Board of Cosmetology has as its purpose the furtherance of beauty schools and of the beauty parlors throughout the State; and

Whereas, It has been found that it is a bad policy and is inadvisable and is detrimental to the best interest of the public generally that the State Board of Cosmetology allow and permit one party to own and operate both a beauty school and a beauty parlor in the same building; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State Board of Cosmetology

continue their policy of refusing a license to the same party to operate both a beauty school and a beauty parlor within the same building, and if anyone is now in operation under these conditions; be it

Resolved, That the party be given due notice and requested to discontinue such practice at a reasonable time.

The resolution was read second time.

Mr. Bond raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker overruled the point of order.

Question then recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. J. R. No. 12, Proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a Section to be known as Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax.

S. C. R. No. 34, Courtesy resolution be sent to Life magazine for April 10th issue.

Respectfully,

BOB BARKER,
Secretary of the Senate.

INVITING THE CHOIR OF THE TEXAS STATE COLLEGE FOR WOMEN TO GIVE A CONCERT BEFORE THE LEGISLA- TURE

Mr. Skiles offered the following resolution:

H. C. R. No. 86, Inviting the Choir of the Texas State College for Women to give a concert before the Legislature.

Whereas, The choir of the Texas State College for Women, Denton, will visit the Capitol on the morning of Friday, April 14, A. D., 1939; and

Whereas, This choir, by its distinguished performances, has merited

the praise of musical critics throughout the Southwest; and

Whereas, It would heighten the enjoyment of this Session of the Legislature and enrich the aesthetic appreciation of all hearers; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the choir of the Texas State College for Women be invited to appear in concert before a Joint Session of the two Houses at 11:50 a. m., on the morning of Friday, April 14, 1939, in the Hall of the House of Representatives; be it further

Resolved, That a copy of this resolution be forwarded to the Director of the choir of the Texas State College for Women, thus extending a formal invitation for such an appearance.

The resolution was read second time, and was adopted.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 33, Authorizing the loan of certain highway equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Washington County; and

Whereas, The Brenham Independent School District of Washington County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said school district to fence the grounds where said athletic events will be held; and

Whereas, It would be a great accommodation to said school district if the State Highway Department were permitted to loan said district the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of Brenham Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said school board to return such wire upon request of the State

Highway Department, and it is so resolved.

The resolution was read second time, and was adopted.

ADOPTION OF AMENDMENT TO THE HOUSE RULES

The Speaker laid before the House, for consideration at this time, House Simple Resolution No. 204, by Mr. McDonald, Proposing an amendment to the House Rules.

The resolution having heretofore been read second time and referred to the Committee on Rules.

The Committee on Rules having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—120

Allison	Goodman
Alsup	Gordon, Mrs.
Bailey	Hale
Baker	Hamilton
of Fort Bend	Hankamer
Baker of Grayson	Hardin
Bell	Harp
Blankenship	Harper
Bond	Harris
Boyd	Hartzog
Bradbury	Heflin
Bradford	Holland
Bray	Howard
Bridgers	Howington
Broadfoot	Hull
Brown of Cherokee	Hunt
Bundy	Isaacks
Burkett	Johnson of Ellis
Burney	Johnson of Tarrant
Cauthorn	Kennedy
Clark	Kern
Cleveland	Kersey
Cockrell	Kinard
Colquitt	King
Colson, Mrs.	Langdon
Cornett	Lehman
Corry	Leonard
Crossley	Levendecker
Davis of Jasper	Little
Derden	Lock
Dickison	Loggins
Dickson	London
Donaghey	Mays
Dwyer	McAlister
Faulkner	McDaniel
Felty	McDonald
Ferguson	McFarland
Fielden	McMurry
Fuchs	McNamara
Galbreath	Mohrmann
Gilmer	Monkhouse

Montgomery	Smith
Morris	of Matagorda
Newell	Spencer
Oliver	Stinson
Pace	Talbert
Pevehouse	Tarwater
Reader of Bexar	Taylor
Reader of Erath	Tennant
Reaves	Thornberry
Reed	Thornton
Rhodes	Turner
Riviere	Vale
Roach	Vint
Roberts	Voigt
Robinson	Waggoner
Russell	Westbrook
Segrist	Wilson
Skiles	Wood
Smith of Frio	Worley
Smith of Hopkins	Wright

Nays—6

Allen	Davis of Upshur
Brown	Stoll
of Nacogdoches	Weldon
Chambers	

Absent

Boyer	Nicholson
Celaya	Piner
Daniel	Pope
Dean	Ragsdale
Hardeman	Schuenemann
Harrell of Bastrop	Shell
Harrell of Lamar	White
Kerr	

Absent—Excused

Anderson	Petsch
Coleman	Wells
Dowell	Winfree
Keith	

HOUSE BILL NO. 5 WITH SEN-
ATE AMENDMENTS

Mr. Smith of Frio called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 5, A bill to be entitled "An Act amending Article 4100, Title 68, of the Revised Civil Statutes of the State of Texas; providing a maximum amount allowable as compensation to a garnishee; making this Act and amendment of said Article 4100 applicable to pending as well as future suits and proceedings, and declaring an emergency."

Mr. Smith of Frio moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the

differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 683 WITH SEN-
ATE AMENDMENTS

Mr. Kinard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 683, A bill to be entitled "An Act defining a Commercial Fisherman; providing for a license for any person, firm or corporation operating as such; providing for the issuance of non-residence licenses; defining the coastal waters over which the State of Texas has jurisdiction; providing for a penalty; providing for the enforcement of this Act, and declaring an emergency and effective date of this Act."

On motion of Mr. Kinard, the House concurred in the Senate amendments by the following vote:

Yeas—130

Allen	Derden
Allison	Dickison
Alsup	Dickson
Bailey	Donaghey
Baker	Dwyer
of Fort Bend	Faulkner
Baker of Grayson	Felty
Bell	Ferguson
Blankenship	Fielden
Bond	Fuchs
Boyd	Galbreath
Boyer	Gilmer
Bradbury	Goodman
Bradford	Gordon, Mrs.
Bray	Hale
Bridgers	Hamilton
Broadfoot	Hankamer
Brown of Cherokee	Hardeman
Brown	Hardin
of Nacogdoches	Harp
Bundy	Harrell of Bastrop
Burkett	Harris
Burney	Hartzog
Cauthorn	Heflin
Chambers	Howard
Clark	Howington
Cleveland	Hull
Cockrell	Hunt
Colquitt	Isaacks
Colson, Mrs.	Johnson of Ellis
Cornett	Johnson of Tarrant
Corry	Kennedy
Crossley	Kern
Daniel	Kerr
Davis of Jasper	Kersey
Davis of Upshur	Kinard

Langdon	Russell
Lehman	Schuenemann
Leyendecker	Segrist
Lock	Shell
Loggins	Skiles
London	Smith of Frio
Mays	Smith of Hopkins
McAlister	Smith
McDaniel	of Matagorda
McDonald	Spencer
McFarland	Stinson
McMurry	Stoll
McNamara	Talbert
Mohrmann	Tarwater
Montgomery	Taylor
Morris	Tennant
Newell	Thornberry
Nicholson	Thornton
Oliver	Turner
Pace	Vale
Pevehouse	Vint
Pope	Voigt
Reader of Bexar	Waggoner
Reader of Erath	Weldon
Reaves	Westbrook
Reed	White
Rhodes	Wilson
Riviere	Wood
Roach	Worley
Roberts	Wright
Robinson	

Absent

Celaya	Leonard
Dean	Little
Harper	Monkhouse
Harrell of Lamar	Piner
Holland	Ragsdale
King	

Absent—Excused

Anderson	Petsch
Coleman	Wells
Dowell	Winfree
Keith	

HOUSE BILL NO. 812 WITH SENATE AMENDMENTS

Mr. Pope called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 812, A bill to be entitled "An Act providing the amount of traveling and office expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for the expenditures for traveling and office expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of

laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

On motion of Mr. Pope, the House concurred in the Senate amendments by the following vote:

Yeas—126

Allen	Howard
Allison	Howington
Alsup	Hull
Bailey	Hunt
Baker	Isaacks
of Fort Bend	Johnson of Ellis
Baker of Grayson	Johnson of Tarrant
Bell	Kennedy
Blankenship	Kern
Bond	Kerr
Boyd	Kersey
Boyer	Kinard
Bradbury	King
Bradford	Langdon
Bray	Lehman
Bridgers	Leyendecker
Broadfoot	Lock
Brown of Cherokee	Loggins
Bundy	London
Burkett	Mays
Burney	McAlister
Cauthorn	McDaniel
Chambers	McDonald
Clark	McFarland
Cleveland	McMurry
Cockrell	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Monkhouse
Cornett	Montgomery
Corry	Morris
Crossley	Newell
Daniel	Oliver
Davis of Jasper	Pace
Davis of Upshur	Pevehouse
Derden	Pope
Dickison	Reader of Bexar
Dickson	Reader of Erath
Donaghey	Reaves
Faulkner	Reed
Felty	Rhodes
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Gilmer	Russell
Gordon, Mrs.	Schuenemann
Hale	Segrist
Hamilton	Shell
Hankamer	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harrell of Bastrop	of Matagorda
Harris	Spencer
Hartzog	Stinson
Heflin	Stoll

Talbert	Voigt
Tarwater	Waggoner
Taylor	Weldon
Tennant	White
Thornberry	Wilson
Thornton	Wood
Turner	Worley
Vale	Wright
Vint	

Present—Not Voting

Brown
of Nacogdoches

Absent

Celaya	Leonard
Dean	Little
Dwyer	Nicholson
Goodman	Piner
Harper	Ragsdale
Harrell of Lamar	Westbrook
Holland	

Absent—Excused

Anderson	Petsch
Coleman	Wells
Dowell	Winfree
Keith	

HOUSE BILL NO. 534 WITH SEN-
ATE AMENDMENTS

Mr. Faulkner called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 534, A bill to be entitled "An Act to amend Section 1 of House Bill No. 31, Acts, 1937, of the Second Called Session of the Forty-fifth Legislature."

On motion of Mr. Faulkner, the House concurred in the Senate amendments by the following vote:

Yeas—130

Allen	Brown
Allison	of Nacogdoches
Alsup	Bundy
Bailey	Burkett
Baker	Burney
of Fort Bend	Cauthorn
Baker of Grayson	Chambers
Bell	Clark
Blankenship	Cleveland
Bond	Cockrell
Boyd	Colquitt
Boyer	Colson, Mrs.
Bradbury	Cornett
Bradford	Corry
Bray	Crossley
Bridgers	Daniel
Brown of Cherokee	Davis of Jasper

Davis of Upshur	Mohrmann
Derden	Monkhouse
Dickison	Montgomery
Dickson	Morris
Donaghey	Newell
Dwyer	Nicholson
Faulkner	Oliver
Felty	Pace
Ferguson	Pevehouse
Fielden	Pope
Fuchs	Reader of Bexar
Galbreath	Reader of Erath
Gilmer	Reaves
Gordon, Mrs.	Reed
Hale	Rhodes
Hamilton	Riviere
Hankamer	Roach
Hardeman	Roberts
Hardin	Robinson
Harp	Russell
Harper	Schuenemann
Harrell of Bastrop	Segrist
Harris	Shell
Heflin	Skiles
Howard	Smith of Frio
Howington	Smith of Hopkins
Hull	Smith
Hunt	of Matagorda
Isaacks	Spencer
Johnson of Ellis	Stinson
Johnson of Tarrant	Stoll
Kennedy	Talbert
Kern	Tarwater
Kerr	Taylor
Kersey	Tennant
Kinard	Thornberry
King	Thornton
Langdon	Turner
Lehman	Vale
Leyendecker	Vint
Lock	Voigt
Loggins	Waggoner
London	Weldon
Mays	Westbrook
McAlister	White
McDaniel	Wilson
McDonald	Wood
McFarland	Worley
McMurry	Wright
McNamara	

Absent

Broadfoot	Holland
Celaya	Leonard
Dean	Little
Goodman	Piner
Harrell of Lamar	Ragsdale
Hartzog	

Absent—Excused

Anderson	Petsch
Coleman	Wells
Dowell	Winfree
Keith	

RELATIVE TO HOUSE BILL NO.
829

On motion of Mr. Hale, and by unanimous consent of the House, the caption of House Bill No. 829 was ordered amended to conform to all changes, and with the body of the bill.

APPOINTMENT OF CONFERENCE
COMMITTEE ON HOUSE BILL
NO. 194

The Speaker announced the appointment of the following Conference Committee on House Bill No. 194: Messrs: Dean, Kinard, Dickison of Bexar, Morris and Kersey.

APPOINTMENT OF CONFERENCE
COMMITTEE ON HOUSE BILL
NO. 517

The Speaker announced the appointment of the following Conference Committee on House Bill No. 517: Messrs: Hamilton, Russell, Langdon, Pevehouse and Taylor.

HOUSE BILL NO. 9 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as a special order, on its passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act providing the method of making application to purchase or lease unsurveyed school land, commonly known as vacancies; providing for notice to those whose rights may be affected, and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries, and attempts to locate vacancies between surveys long considered to adjoin; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil or gas at a price dependent on whether or not such vacancy is excess land, and providing that such purchase shall be subject to certain mineral reservations as a free royalty to the State; fixing the time and conditions under

which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitutional such holding shall not affect the remainder hereof, and declaring an emergency."

The bill having heretofore been read second time with committee amendment by Mr. Daniel and substitute amendments by Mr. Spencer for the committee amendment, pending.

(Pending consideration of the substitute amendment, Mr. Dean occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Hardeman moved to table the substitute amendment by Mr. Spencer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—90

Allen	Hale
Allison	Hankamer
Alsup	Hardeman
Bailey	Harp
Baker	Harrell of Bastrop
of Fort Bend	Harrell of Lamar
Bell	Harris
Boyer	Hartzog
Bradford	Heflin
Bray	Howard
Broadfoot	Hull
Bundy	Hunt
Burkett	Johnson of Ellis
Burney	Johnson of Tarrant
Cauthorn	Kern
Celaya	Kersey
Chambers	Langdon
Clark	Lehman
Cleveland	Leyendecker
Cockrell	Little
Colson, Mrs.	Lock
Corry	Loggins
Crossley	London
Daniel	Mays
Davis of Upshur	McAlister
Dean	McDaniel
Derden	McDonald
Dickson	McFarland
Donaghey	McMurry
Faulkner	Monkhouse
Ferguson	Montgomery
Fuchs	Newell
Gilmer	Nicholson
Goodman	Pace
Gordon, Mrs.	Pope

Ragsdale	Smith
Reader of Bexar	of Matagorda
Reader of Erath	Stoll
Reaves	Tarwater
Riviere	Taylor
Roberts	Thornton
Robinson	Vale
Schuenemann	Vint
Shell	Voigt
Smith of Frio	Worley
Smith of Hopkins	Wright

Nays—48

Baker of Grayson	McNamara
Blankenship	Mohrmann
Bond	Morris
Boyd	Oliver
Bradbury	Pevehouse
Bridgers	Piner
Brown of Cherokee	Reed
Brown	Rhodes
of Nacogdoches	Roach
Colquitt	Russell
Cornett	Segrist
Davis of Jasper	Skiles
Dickison	Spencer
Dwyer	Stinson
Felty	Talbert
Fielden	Tennant
Galbreath	Thornberry
Hamilton	Turner
Hardin	Waggoner
Holland	Weldon
Howington	Westbrook
Isaacks	White
Kennedy	Wilson
Kerr	Wood
King	

Absent

Coleman	Kinard
Harper	Leonard

Absent—Excused

Anderson	Petsch
Dowell	Wells
Keith	Winfree

Question—Shall the committee amendment by Mr. Daniel be adopted?

COMMUNICATION TO HON. PARIS SMITH

On motion of Mr. Thornberry the following communication was ordered printed in the Journal:

April 7, 1939

Hon. Paris Smith, House of Representatives, Austin, Texas

House Bill No. 9, as rewritten in the proposed substitute, contains certain features which the school organizations believe to be detrimental

to the public school system; but, recognizing the tremendous pressure that is being brought to bear on the Legislature by interests adverse to the school fund and realizing that because of the technical nature of the land laws these interests may secure the enactment of a bill even more dangerous to the public interest and destructive to the school fund, and having been assured by the proponents of the measure that they as proponents will actively oppose any amendment and any conference report which, in the opinion of the public school people, will make the bill more unfavorable to the permanent free school fund than it now is; the school organizations relying on these assurances have concluded and agreed not further to oppose the bill as now written.

GEORGE B. WILCOX,
President, Texas State
Teachers Association.

MESSAGE FROM THE SENATE

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. C. R. No. 83, Granting leave of absence to Hon. Few Brewster, Judge of the 27th Judicial District of Texas.

H. C. R. No. 84, Authorizing the Enrolling Clerk of House to make certain correction to House Bill No. 74.

H. C. R. No. 85, Authorizing the Enrolling Clerk of the House to change date in House Bill No. 336.

Senate concurred in House amendments to Senate Bill No. 20, by the following vote: Yeas, 31; Nays, 0.

Concurred in House amendments to Senate Bill No. 286, by the following vote: Yeas, 31; Nays, 0.

S. C. R. No. 35, Authorizing the Enrolling Clerk of the Senate to correct Senate Bill No. 69.

The Senate has refused to concur in House amendments to Senate Bill No. 160 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Kelley, Martin, Stone of Galveston, Brownlee and Winfield.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 170.

The following have been appointed on the part of the Senate:

Senators Roberts, Van Zandt, Col-
lie, Hardin and Head.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 194.

The following have been appointed on the part of the Senate:

Senators Spears, Kelley, Hardin,
Pace and Martin.

Respectfully,

BOB BARKER,

Secretary of the Senate.

REQUEST OF SENATE GRANTED

On motion of Mr. Vale, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 160.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 160: Messrs. Vale, Celaya, Pope, Leyendecker and Leonard.

EXTENDING SYMPATHY OF THE HOUSE TO MRS. E. H. THORNTON, SR.

Mr. Leonard offered the following resolution:

H. S. R. No. 217, Extending sympathy of the House to Mrs. E. H. Thornton, Sr.

Whereas, Mrs. E. H. Thornton, Senior, is now confined in the John Sealy Hospital at Galveston, recovering from a major operation which was performed Saturday morning; and

Whereas, Mrs. Thornton is the mother of our able and distinguished Fellow-Member the Hon. E. H. Thornton, Junior; now, therefore, be it

Resolved by the House of Representatives, That we wish for Mrs. Thornton a speedy and complete recovery; and be it further

Resolved, That the Chief Clerk of the House be instructed to dispatch

flowers to Mrs. Thornton at Galveston; and be it further

Resolved, That the Chief Clerk prepare two copies of this resolution, one of which is to be forwarded to Mrs. E. H. Thornton, Senior, and the other to be presented to Hon. E. H. Thornton, Junior.

LEONARD.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurtry, McNamara, Mohrman, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Celaya, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

(Mr. Thornton in the Chair.)

EXTENDING CONGRATULATIONS
OF THE HOUSE TO HON.
R. EMMETT MORSE

Mr. Bradbury offered the following resolution:

H. S. R. No. 218, Extending congratulations of the House to Hon. R. Emmett Morse.

Whereas, The tides of time, rolling on with unerring accuracy, carves twelve months from each and every year and in its wake, leaves a birthday for each and all of us; and

Whereas, The endless circle of time has again completed another circle for our Speaker, the Hon. R. Emmett Morse, and did on Saturday, April 8, 1939, present to him another birthday; and

Whereas, Eternal time, with its precise fingers and accurate hand, has added another milestone to his credit; but instead of being a sign of age, it is symbolic of service and a gentle reminder of the sweet memories that are inherited from the passing days; now, therefore, be it

Resolved by the Members of the House of Representatives of the Forty-sixth Legislature, That we congratulate Mr. Morse upon his birthday, and wish him many more such birthdays in which his crown of years will be filled with the sapphires of service, rubies of renown, and diamonds of desired destiny.

BRADBURY,
ALLISON,
FIELDEN.

The resolution was read second time.

Signed—Allen, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Colson, Mrs.; Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fuchs, Galbreath, Gilmer, Goodman, Gordon, Mrs.; Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr,

Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On the motion of Mr. Leonard, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

BILLS AND RESOLUTIONS
SIGNED BY THE
SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills and resolutions:

H. C. R. No. 53, To grant S. W. Knox and wife permission to sue the State.

H. C. R. No. 41, Providing for the observance of Flag Week.

H. B. No. 585, "An Act to reorganize the 104th Judicial District of the State of Texas; and to prescribe the time, and fix the terms of holding the courts in the several counties thereof; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties of said district as herein fixed, and to validate old process and to validate the summoning of Grand and Petit Jurors and Juries; repealing all laws and parts of laws in conflict herewith and fixing the time when this Act shall become effective, and declaring an emergency."

H. B. No. 47, "An Act to amend Article 2462 Revised Civil Statutes of

1925 as amended by Acts of the Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing for the receiving, lending, and investing of funds of Credit Unions, and the regulating thereof; and amending Article 2475, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, providing for the lending of the capital, deposits and surplus funds of the Association and the deposits thereof; and amending Article 2477, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing the conditions under which loans may be made by Credit Unions; and amending Article 2484, and declaring an emergency."

H. B. No. 797, "An Act creating a Special Road Law for Zapata County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding and refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 413, "An Act providing that all Ordinances hereinafter enacted by Home Rule Cities in the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas, and the provisions of Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the charters of such cities, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 269, "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that the right of the State shall not be

barred by any of the provisions of this title, and to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

H. B. No. 380, "An Act applying to counties which have a population of five thousand, five hundred and eighty-six (5,586) in the Federal Census of 1930 and a scholastic population of one thousand, six hundred and ninety-four (1,694) in the scholastic year 1938-1939, and providing exemptions relative to tax rates, and declaring an emergency."

H. B. No. 379, "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 230, "An Act repealing Chapter 21 of the Laws of the Forty-fourth Legislature, Regular Session, being House Bill No. 874, pages 1185 and 1186 of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

H. B. No. 158, "An Act to amend Article 3336, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925 as amended, validating the acts of probate courts in certain cases, and declaring an emergency."

H. B. No. 472, "An Act establishing a County Law Library in each county in this State having an area of not less than one thousand, one hundred and thirty (1,130) and not more than one thousand, five hundred (1,500) square miles, and with a population according to the last Federal Census of not less than eleven thousand, three hundred (11,300) and not more than twelve thousand, five hundred (12,500), and whose County Seat is in a city having a population of not less than two thousand, two hundred (2,200) and not more than three thousand (3,000) according to the last

Federal Census; etc., and declaring an emergency."

H. B. No. 450, "An Act to amend Article 5922 of the Revised Civil Statutes of Texas, 1925, with reference to the petition and hearing for the removal of disabilities of minors, and declaring an emergency."

H. B. No. 438, "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than ten thousand, four hundred and ninety-nine (10,499), and not less than ten thousand three hundred and ninety-nine (10,399) inhabitants, according to the last preceding census; making salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

H. B. No. 426, "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936, and ending August 31, 1938, and declaring an emergency."

H. B. No. 414, "An Act validating all Ordinances of Home Rule Cities in Texas incorporated under and operating under the provisions of the Home Rule Amendment to the Constitution of the State of Texas and under Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, where such Ordinances have been passed in compliance with the charters of such Home Rule Cities and have been published, as provided in such charters, where such charters require same to be published, and declaring an emergency."

H. B. No. 566, "An Act authorizing persons residing in County Line School Districts and who are otherwise qualified voters to vote for County School Trustees of the County having management and control of such County Line School District, even though such voters reside in that portion of the County Line District lying outside of the County having management and control of the County Line District; repealing all laws and parts of laws in conflict herewith to the extent of such conflict, and declaring an emergency."

H. B. No. 666, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any pheasants, blue quail or bob white in Comanche County for a period of four (4) years

from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by pheasants, blue quail or bob whites; providing a penalty therefor, and declaring an emergency."

H. B. No. 552, "An Act conveying the title of the State of Texas to Lot No. 8 in Block No. 38 of the original townsite of Rosenberg, Fort Bend County, Texas, according to the plat of said town, appearing of record in Volume P, pages 146 and 147 of the Deed Records of Fort Bend County, Texas, acquired by the State under tax sale to Mrs. Thelma Moers Forster, to her separate use and benefit, and declaring an emergency."

H. B. No. 565, "An Act to amend Section 3 of Chapter 506 of the General Laws of the State of Texas passed at the Regular Session of the Forty-fifth Legislature providing for parties and procedure in tax suits; and providing for persons owning property or an interest therein whose names are unknown to be made parties in such suits under designation of 'Unknown Owner or Owners' of such property; providing for heirs of deceased persons whose names are unknown to be made parties to such suits under designation of 'Unknown Heirs' of such deceased person; etc., and declaring an emergency."

H. B. No. 718, "An Act to amend Article 3740 of Title 55 of the Revised Civil Statutes of Texas, 1925, relating to notice by publication in the taking of depositions of witnesses in civil cases, and declaring an emergency."

H. B. No. 674, "An Act providing for compensation of County Auditors in certain counties, and declaring an emergency."

H. B. No. 670, "An Act amending Article 2691a, Revised Civil Statutes of 1925; to provide for a rural school supervisor in counties having a population of forty-six thousand, one hundred, (46,100) to forty-six thousand, two hundred (46,200); repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 807, "An Act ratifying, confirming, and validating all acts of County Boards of Trustees in ordering an election for the purpose of laying out, establishing, combining, abolishing, or changing any independent or common school districts, and all elections held in any county in this State

for the purpose of laying out, establishing, combining, abolishing, or changing any such independent or common school districts; and ratifying, confirming and validating an election of any independent school district held for the purpose of authorizing the issuance of bonds and levying a tax for the payment of said bonds where there has been in the election proceedings of such election in the petition for election, order of the School Board for such election, notice of election and order declaring the results thereof certain errors and irregularities; providing that this Act shall not affect districts which may be involved in litigation at the effective date of this Act, and declaring an emergency."

H. B. No. 745, "An Act amending Article 7047 (6) of the Acts, First Called Session, 1897; page 49, Acts, 1931, Forty-second Legislature, page 355, Chapter 212, Section 1, and declaring an emergency."

H. B. No. 719, "An Act to amend Article 6085 of Title 104 of the Revised Civil Statutes of Texas of 1925, relating to the publication of citation where defendant is unknown, and declaring an emergency."

SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Joint Resolution, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Joint Resolution No. 12, to the Committee on Constitutional Amendments.

RECESS

Mr. Reader of Erath moved that the House recess until 2:00 o'clock p. m., today.

Mr. Celaya moved that the House recess until 2:30 o'clock p. m., today.

Mr. Tennant moved that the House recess until 7:30 o'clock p. m., today.

The motion of Mr. Celaya prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 310

Mr. Harrell of Lamar offered the following resolution:

H. C. R. No. 87, Authorizing certain correction in House Bill No. 310.

Whereas, House Bill No. 310 has passed the House and the Senate; and

Whereas, There are certain typographical errors in said bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be authorized and empowered to strike out the following words in lines 3 and 4 of Section 1, and in lines 3 and 4 of Section 2, "being Article 6203e of the Revised Civil Statutes of Texas of 1925," and to amend the caption to conform to the body of the bill.

The resolution was read second time, and was adopted.

AUTHORIZING CERTAIN CORRECTION IN SENATE BILL NO. 69

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 35, Authorizing certain correction in Senate Bill No. 69.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be, and she is hereby authorized to correct and perfect the caption of Senate Bill No. 69, in order that same shall conform to the body of the bill.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 9 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, House Bill No. 9, Providing for the method of making an application to purchase or lease unsurveyed land, commonly known as vacancies, etc., on its passage to engrossment.

The bill having heretofore been read second time with committee amendment by Mr. Daniel, pending.

Mr. Daniel offered the following substitute for the committee amendment:

Amend House Bill No. 9, by striking out all below the enacting clause, and substitute in lieu thereof, the following:

Section 1. That Section 6 of House Bill 358, being Chapter 271 of the Acts of the Forty-second Legislature, Regular Session, page 452 (1931) be, and the same is hereby amended so that hereafter the same shall read as follows:

(a) Definitions:

Wherever the reference is made in this Act to "Commissioner," the same shall mean the Commissioner of the General Land Office, or should any agency be created by the Legislature and entrusted with any of the functions herein delegated to the Commissioner of the General Land Office, then "Commissioner" shall mean such agency as to the performance of such functions.

Wherever the term "Good Faith Claimant" or "Claimant" is used in this Act, the same shall mean any person, firm or corporation, occupying or using, or theretofore occupying or using, or whose predecessors in interest, have occupied or used a vacancy for purposes other than exploring for or removing oil, gas, sulphur or other minerals therefrom with a good-faith belief that the same was included within the boundaries of a survey or surveys previously titled, awarded or sold under circumstances that would, at the time the vacancy issue arose, have vested title thereto had said area actually been located within said survey or surveys, and whose said boundaries are shown to have been recognized boundaries in the community.

"Vacancy," when used in this Act, means an area of unsurveyed school land not in conflict on the ground with lands previously titled, awarded or sold, which has not been listed on the records of the Land Office as school lands and which on the date of the filing was neither subject to an earlier subsisting application to purchase or lease by a discoverer or claimant nor involved in pending litigation brought by the State to recover the same.

"Applicant," when used in this Act, means any person, other than a good faith claimant, who discovers and files application to purchase or lease a vacancy.

(b) The vacant and unsurveyed land included within this Act shall be subject to sale or lease under the terms of this Act. Any of such land shall be subject to sale to a good faith claimant whether the same shall be within 5 miles of a well producing oil, gas or other minerals in commercial quantities, or not; but such lands lying within 5 miles of a well producing oil or gas in commercial quantities shall not be subject to sale to any other person than a good faith claimant, but where there is no good faith claimant, or such claimant fails to exercise his preferential right, lands within such 5 mile distance shall be subject to lease only, and all of such leases shall reserve to the State at least a 1/8 free royalty on oil, gas, sulphur and other minerals. In all cases where the good faith claimant purchases the land within 5 miles of a well producing oil, gas or other minerals in commercial quantities, there shall be reserved to the State a free royalty of 1/8 of all oil, gas, sulphur and other minerals. On all other vacancies sold there shall be a free royalty of 1/16 reserved to the State on all oil and gas production and 1/8 on sulphur and other minerals. Such royalty reserved by the State shall be 1/8 on oil and gas and 1/6 on sulphur and other minerals if a good faith claimant fails to exercise his preference right to purchase within 90 days after the Commissioner determines the existence of the vacancy as hereinafter provided. Such sales shall provide that the purchaser shall have the right to execute oil, gas and mineral leases on the land without the joinder or approval of the Commissioner, and all bonus money and rentals therefor shall be paid to and be the property of the purchaser, but any and all of such mineral leases shall provide for and reserve to the State the above mentioned free royalty on all oil, gas, sulphur and other minerals. On all vacancies leased by the State, there shall be reserved not less than a 1/8 free royalty on oil, gas, sulphur and other minerals.

(c) Any applicant who claims that a vacancy exists and desires to lease or purchase same shall file in duplicate with the County Surveyor of the county in which any part of the land is situated a written application to purchase or lease, describing the land claimed to be a vacancy, and stating

that he desires to purchase or lease same under the provisions of this Act. The application shall also state the names and addresses of all owners or claimants of land or any interest therein and of leases of any character thereon, adjoining, overlapping or including the land claimed to be vacant, so far as the same may be ascertained from the records of the General Land Office, and of the office of the County Clerk of the county in which the land is located and from the tax rolls of such county. The application shall also state the names and addresses of all persons who, from facts known to the applicant, assert any right to said alleged vacant land, and same shall be sworn to and shall state the applicant knows of no other claimants than those listed.

Contemporaneously with the filing of the application, the applicant shall pay to said surveyor a filing fee of Five (\$5.00) Dollars. The surveyor shall mark on the original and duplicate the exact hour and date of filing, shall return one application to the applicant and shall record the other in a book to be kept by him for that purpose. The application which is returned to the applicant shall, within ten (10) days after the date of filing with the surveyor of the county, be filed with the Commissioner who shall note thereon the date of filing. Applicant shall also pay a filing fee of One Hundred (\$100.00) Dollars to the Commissioner. Failure to file the application with the Commissioner within the time fixed, and to pay the filing fee, shall be a waiver of all rights under the application. As between applicants, priority shall date from the time of filing with the Surveyor. In counties which have no County Surveyor, such preliminary filing shall be with the County Clerk and shall be recorded in a book to be kept for that purpose, but not in the deed records.

The Commissioner shall notify the applicant by letter of the estimate of the cost of proceedings under the application, and, within fifteen (15) days after the date of such letter, the applicant shall make a deposit with the Commissioner to cover costs of all work which may be necessary in order to comply with the request contained in such application. Upon failure to make the deposit as required, all rights under the application shall be lost. In the event such

deposit shall prove to be insufficient, the applicant shall be requested by letter to make a further deposit of a sum to be fixed by the Commissioner and, if such additional deposit be not made within fifteen (15) days after the date of such letter, the work shall be discontinued and the application cancelled, and such cancellation shall be so endorsed on the application. Upon cancellation, the right to purchase or lease under such application shall be lost. The deposits provided for in this Section shall be a special trust fund to be used only for the purpose authorized by this Act.

Upon filing of any such application with the Commissioner and upon the making of the required deposit as provided for herein, the Commissioner shall forthwith cause a notice of intention to survey to be mailed to all persons named in the application as interested persons, and at the addresses given therein, and to the Attorney General of Texas. The notices shall be deposited in the Post Office at Austin, Texas, at least ten (10) days prior to the date fixed for the beginning of such survey.

The Commissioner shall appoint a surveyor to make a survey in accordance with the notice. Such surveyor shall be a surveyor licensed by the State, or the County Surveyor of the county in which the land or a part thereof is situated. The fees and expenses to be paid for such work shall be such as may be fixed by law, or, if not so fixed, then such as the Commissioner and the Surveyor may agree upon, but not in excess of such as may be reasonable for the work performed, all of which shall be paid by applicant.

A written report of the survey with field notes describing the land and the lines and corners so surveyed together with a plat showing the results of such survey shall be filed in the General Land Office within one hundred twenty (120) days from the filing of the application, unless the time be extended by the Commissioner for good cause shown, which shall be stated in writing and filed as a part of the record of the proceedings, but such extension shall not exceed sixty (60) days. The report shall state the names and the Post Office addresses of all persons in possession of the land described in the application, and of all persons found by the surveyor to have or claim any interest therein.

Any interested party may at his own expense cause any surveying to be done as he deems desirable.

As soon as the total expense properly charged against the deposit has been determined, the Commissioner shall render a complete statement to applicant, accompanied by payment of the balance, if any, shown to be remaining in such fund.

Within sixty (60) days after the surveyor has made his report as provided herein, a hearing may be held before the Commissioner on the date fixed in a notice which he shall give to all persons thought to be interested parties and to all persons shown by the record of the proceeding to be interested parties, including the Attorney General, to determine whether there is a vacancy. Such notice shall be deposited in the Post Office at Austin, at least ten (10) days prior to the date fixed for such hearing. At the hearing, the State and each interested party, whether or not he received notice, shall have a right to be heard.

(d) If the Commissioner should decide that the area so alleged to be a vacancy is not vacant, then the Commissioner shall so endorse said application and file it with his finding, and shall promptly notify the applicant of his finding by registered mail, and shall file all reports and papers received in connection with said application, and then shall take no further steps with respect to same unless the existence of the alleged vacant area shall have been determined by a court of competent jurisdiction. Thereupon, the applicant's application, and all preference rights acquired thereby, to buy, or lease, such alleged vacancy shall become null and void, unless within a period of ninety (90) days after the mailing of such notice the applicant shall file suit in the district court of the county wherein any part of such land is located, for the purpose of litigating the question of the existence of a vacant unsurveyed area.

(e) If it shall appear to the Commissioner that the alleged vacancy is not in conflict with land previously titled, awarded, or sold by the State, the Commissioner shall give prompt notice of such finding to the applicant and to all those who have been previously identified as interested parties, and, thereafter, subject to the further provisions hereof, such

applicant shall have a right for one hundred twenty (120) days to purchase or lease such portion of said land as is vacant at the price fixed by the Commissioner for a consideration of not less than One Dollar (\$1.00) per acre with the royalty reservation provided hereinabove in subsection (b); provided that no such award shall be made by the Commissioner except after a hearing, and provided further that no presumption shall obtain in any suit involving the existence of a vacancy, as a result of the action of the Commissioner in this respect.

(f) Any good faith claimant who ascertains that a vacancy exists or that a claimed vacancy may exist, or who has been notified by the Commissioner that a vacancy has been found to exist upon lands claimed by him may, at any time, within ninety (90) days after a decision of the Commissioner declaring the existence of a vacancy, obtain a preference right to purchase or lease same by applying in writing to the Commissioner for such purchase or lease. Such good faith claimant shall be entitled to purchase or lease the said land with the royalty reservations herein provided, effective as of the date such application was filed. Such application by a good faith claimant shall be accompanied by a filing fee of One (\$1.00) Dollar, by field notes covering the lands claimed by him in the area in question and by such proof as may be satisfactory to the Commissioner that he is a good faith claimant. Whereupon, the Commissioner shall grant such application under the provisions of this Act. The application by a good faith claimant shall not be used or considered, in any way, as an admission, on his part, that a vacancy exists.

Any good faith claimant shall have a preference right for a period of ninety (90) days after final judicial determination of the existence of a vacancy to purchase the land adjudicated to be vacant; provided, however, that if such good faith claimant shall not have exercised his preference right until after ninety (90) days after the decision of the Commissioner determining the existence of the vacancy, then the sale made to the good faith claimant shall be subject to a reservation in favor of the State of one-eighth of all oil, gas, sulphur and

other minerals, and subject to any lease made or to be made by the State of not more than a thirteen-sixteenths mineral interest as in this Act provided.

Any good faith claimant of a vacant or unsurveyed tract of land shall have ninety (90) days after the sale or lease by the Commissioner of said tract to institute suit to set aside the sale or lease of said tract of land. If said suit be not instituted by the good faith claimant within said ninety (90) day period, he shall lose all preference rights to buy or lease said land.

(g) The purchase by any good faith claimant under such preferential right shall inure distributively to the benefit of all owners holding title under him or an interest in the title under which he claims to be a good faith claimant, provided that such co-owners or lessees shall accept the provisions hereinafter set out and contribute their proportionate part of the royalty reserved to the State and the royalty awarded to the applicant. Such reservations shall be deducted distributively and proportionately from the mineral interest of each owner, including mineral leases, if the area should be under mineral lease. As a condition to the benefits conferred by this law, it is expressly provided that such claimants receiving patents or awards, or for whose benefit such patents or awards are received, shall recognize the proportionate interests of other owners benefiting by the award of preference rights hereby. The consideration for such purchase shall be determined by the Commissioner without considering the potential mineral value or any improvements thereon, but shall not be less than One Dollar (\$1.00) per acre, and the State shall retain its right to recover from the party or parties liable therefor the market value, when produced, of all oil, gas, sulphur and other minerals that may have been produced from such area prior to the effective date of the said patent or award, but against such liability there shall be allowed as an offset to the operator the actual cost of developing and producing the same.

(h) Where there is a valid, subsisting prior filing by an applicant upon the date of the filing of a good faith claimant's application to purchase under preferential right, and

where the good faith claimant shall have exercised his preference right to purchase within 90 days after a decision of Commissioner under the provisions of this Act, then in such patent as shall be issued to good faith claimant, there shall be added to the free royalty interest reserved to the State and deducted proportionately from good faith claimant's award, as provided in paragraph (g), a free royalty of one twenty-fourth of all oil, gas, sulphur, and other minerals which may be produced from such land, which royalty shall be awarded by the State to the applicant. But, if the good faith claimant shall not have exercised his preferential right to purchase within 90 days after a decision of Commissioner under the provisions of this Act, then the applicant shall be awarded on oil, gas and mineral lease on seven-eighths of the minerals for not less than One Dollar (\$1.00) per acre, and for a five (5) year primary term, subject to such other consideration and terms as may be fixed by Commissioner, and subject to the preference right of a good faith claimant acquired after final judicial determination under subsection (f) hereof. Should there be no good faith claimant, or should no good faith claimant exercise his preferential right within the time allowed, then the applicant shall be entitled to buy or lease accordingly, as he may have applied, the vacancy applied for by him and found to exist, for not less than One Dollar (\$1.00) per acre and for other consideration to be fixed by Commissioner, but without consideration of potential mineral value.

(i) Any application made under prior laws to purchase or lease unsurveyed school land which is on file in the office of the Commissioner or with any county surveyor and which has not been granted upon the effective date of this Act, shall become null, void and of no further effect unless there is then pending a suit, or suits, involving the question of whether the land so affected or a part thereof is vacant, or unless the Commissioner shall within nine months after the effective date hereof grant said application, or unless the applicant shall within sixty (60) days after the end of such nine months period, file an action in the district court for the purpose of litigating

the question of the existence of a vacant unsurveyed area.

(j) Any person, firm or corporation aggrieved by any action taken by the Commissioner under the provisions of this Act, or with reference to any application to purchase or lease vacancies, may institute suit in the district court of the county where any part of the land is situated, but not elsewhere, and there try the issues of boundary, title and ownership of any alleged vacancy involved, as well as the issues of the preference rights of such person, firm or corporation, as herein provided. The plaintiff in such suit shall within thirty (30) days after the filing thereof cause a certified copy of the original petition therein to be served by any sheriff or constable of Travis County upon the Attorney General of Texas and the Commissioner, and cause such officer's return showing said service to be filed with the papers in said cause. Whether the Attorney General answers or intervenes in said cause or institutes suit in the first instance, following the filing of such application, the venue of all such suits shall be in the county where such land, or any part thereof, is located. When such litigation shall have been prosecuted to a final judgment, said judgment shall be binding upon the State of Texas. It shall be mandatory for the Attorney General to intervene in behalf of the State in such cases.

Sec. 2. That Sec. 8 of House Bill 358, being Chapter 271 of the Acts of the Forty-second Legislature, Regular Session, page 452 (1931) be, and the same is, hereby amended so that hereafter the same shall read as follows:

Lands Subject to Lease: All islands, salt water lakes, bays, inlets, marshes and reefs owned by the State within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, and all unsold public free school land, both surveyed and unsurveyed, shall be subject to lease by the Commissioner to any person, firm or corporation for the production of minerals, except gold, silver, platinum, cinnabar and other metals, that may be therein or thereunder, in accordance with the provisions of Chapter 271, Acts Forty-second Legislature, as amended, and subdivision 2, Chapter 4, Title 86, Re-

vised Civil Statutes of 1925, relating to leasing public areas, insofar as same is not in conflict herewith. Provided, however, that nothing in this Act shall be construed as removing from or interfering with the rights and powers of the surface owner of land sold or to be hereafter sold by the State, with a mineral reservation, to act as agent of the State in making and executing mineral leases covering and affecting such lands, but the authority of such surface owner shall remain the same as it now is and is in nowise abridged or removed by this Act.

Sec. 3. Nothing in this Act shall affect or apply to filings or applications which are involved in pending litigation upon the effective date hereof, nor to the title to the land involved in any suit to which the State is now a party, nor to any pending suit. Nothing in this Act shall apply to any application on file at the effective date of this Act, and such applications may be prosecuted under the law in effect at the date such applications were originally filed, except that such prosecution shall be within the time limits fixed in subsection (i) hereof.

Sec. 4. In all cases where the area of a tract of land titled or patented exceeds the quantity called for in the title or patent, and where under the existing law the title to all or any part thereof shall or may be affected by the existence of such excess, then any person owning such survey or having an interest therein may pay for such excess acreage at such price as the empowered authority may fix. Any person owning any interest in a titled or patented survey in which excess acreage exists who desires to pay for such excess acreage, shall file with the Land Commissioner a request for an appraisalment of the land with corrected field notes in the form now provided by law, together with a statement of the facts pertaining to his right to purchase, which statement shall be sworn to, and such other evidence of his right to purchase as the Commissioner may require. Should it appear that such excess actually exists and that the applicant is entitled to the benefits of the law, then the Commissioner shall execute a deed of acquittance covering such land in the name of the original patentee or his assignees with such reservation

of minerals or with no mineral reservation, accordingly as may have been the case when the survey was titled or patented. Such transfer shall inure distributively to the benefit of the true and lawful owners of the survey in proportion to their holdings.

Sec. 5. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 6. If any Section, Subsection, or portion of this Act shall be held unconstitutional or invalid, then it is expressly here shown as the intention of the Legislature that each and every part of this Act, and every Subsection hereof, would have been enacted without the enactment of all other parts, or Subsections hereof, so that the invalidation of any portion of this Act shall not affect the validity of the remaining portion hereof.

Sec. 7. The fact that numerous persons commonly known as Vacancy Hunters are encouraged by existing statutes to seek to destroy or discredit old recognized lines and landmarks and to shift surveys into other positions in order to create alleged vacancies from which they can profit, but which seldom benefit the Free School Fund, and that many alleged but unproven vacancies have been recently granted and sold or leased in disregard of the rights of taxpaying citizens who have long believed themselves the true owners of such land, and that many suits have been filed and are being filed to recover such areas from the people who have in some cases been occupying the same for generations, and that many suits are now on file in which the arbitrary action of the Land Commissioner in granting vacancies will throw upon the landowners the almost impossible task in many cases of retracing the lost "footsteps of the original surveyor" made fifty to one hundred years ago in order to overcome the pronouncement of the Land Commissioner that the land is vacant, and that normal development in such areas is retarded to the detriment of landowners and of the schools which depend upon tax revenues for their operation, and that good faith owners and claimants of lands are given no sufficient preference rights thereon, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days be, and the same is hereby suspended,

and this Act shall take effect and shall be in force from and after the date of its enactment, and it is so enacted.

SMITH of Matagorda,
DANIEL,
HARTZOG,
HEFLIN,
LOGGINS,
BRAY.

(Mr. Hull in the Chair.)

Mr. Cornett moved to postpone further consideration of House Bill No. 9 until 10:30 o'clock a. m., next Friday.

Mr. Thornton moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—88

Allen	Hunt
Allison	Isaacks
Alsop	Johnson of Ellis
Baker	Johnson of Tarrant
of Fort Bend	Kersey
Bell	Langdon
Boyer	Lehman
Bradford	Leonard
Bray	Leyendecker
Broadfoot	Little
Bundy	Lock
Burney	Loggins
Cauthorn	London
Celaya	Mays
Chambers	McAlister
Clark	McDaniel
Cockrell	McDonald
Colquitt	McFarland
Colson, Mrs.	McMurry
Daniel	McNamara
Davis of Upshur	Monkhouse
Dean	Montgomery
Derden	Newell
Dickson	Nicholson
Donaghey	Pace
Faulkner	Piner
Ferguson	Pope
Fielden	Ragsdale
Fuchs	Reader of Bexar
Gilmer	Reaves
Goodman	Riviere
Gordon, Mrs.	Roach
Hankamer	Roberts
Hardeman	Robinson
Harper	Schuenemann
Hartzog	Shell
Heflin	Smith of Frio
Howington	Smith of Hopkins

Smith	Vale
of Matagorda	Vint
Stoll	Voigt
Tarwater	Waggoner
Taylor	Wilson
Thornton	Worley
Turner	Wright

Nays—48

Bailey	Holland
Baker of Grayson	Kennedy
Blankenship	Kern
Bond	Kerr
Boyd	King
Bradbury	Mohrmann
Bridgers	Morris
Brown of Cherokee	Oliver
Brown	Pevehouse
of Nacogdoches	Reader of Erath
Burkett	Reed
Cleveland	Rhodes
Cornett	Russell
Crossley	Segrist
Davis of Jasper	Skiles
Dickison	Spencer
Dwyer	Stinson
Felty	Talbert
Galbreath	Tennant
Hale	Thornberry
Hamilton	Weldon
Hardin	Westbrook
Harp	White
Harrell of Bastrop	Wood
Harrell of Lamar	

Absent

Corry	Hull
Harris	Kinard

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Mr. Hartzog moved the previous question on the pending amendments and the engrossment of House Bill No. 9, and the motion was duly seconded.

Mr. Thornberry raised a point of order, on consideration of the motion by Mr. Hartzog at this time, on the ground that the substitute amendment has not been given a fair and full discussion in accordance with the constitution.

The Chair overruled the point of order.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—47

Allen	Leonard
Allison	Leyendecker
Bradford	Little
Bray	Lock
Burney	Loggins
Cockrell	London
Corry	Mays
Daniel	McAlister
Davis of Upshur	Nicholson
Dean	Pace
Derden	Ragsdale
Dickson	Reader of Bexar
Donaghey	Rhodes
Faulkner	Riviere
Fuchs	Roach
Gilmer	Schuenemann
Goodman	Shell
Hankamer	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
Harrell of Lamar	Smith
Hartzog	of Matagorda
Heflin	Tarwater
Johnson of Ellis	Vale
Johnson of Tarrant	Wright

Nays—89

Alsup	Gordon, Mrs.
Bailey	Hale
Baker	Hamilton
of Fort Bend	Hardeman
Baker of Grayson	Hardin
Bell	Harp
Blankenship	Harper
Bond	Holland
Boyd	Howington
Boyer	Hunt
Bradbury	Isaacks
Bridgers	Kennedy
Broadfoot	Kern
Brown of Cherokee	Kerr
Brown	Kersey
of Nacogdoches	King
Bundy	Langdon
Burkett	Lehman
Cauthorn	McDaniel
Celaya	McDonald
Chambers	McFarland
Clark	McMurry
Cleveland	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Monkhouse
Cornett	Montgomery
Crossley	Morris
Davis of Jasper	Newell
Dickison	Oliver
Dwyer	Pevehouse
Felty	Piner
Ferguson	Reader of Erath
Fielden	Reaves
Galbreath	Reed

Roberts	Thornton
Robinson	Turner
Russell	Vint
Segrist	Voigt
Skiles	Waggoner
Spencer	Weldon
Stinson	Westbrook
Stoll	White
Talbert	Wilson
Taylor	Wood
Tennant	Worley
Thornberry	

Absent

Harris	Kinard
Hull	Pope

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Question then recurring on the substitute amendment by Mr. Daniel, it was adopted.

Mr. Derden offered the following amendment to the committee amendment, as substituted:

Amend Smith and Daniel amendment to House Bill No. 9, by adding to Section 4, the following:

"All lands included within the boundaries and survey of any Mexican grant, which may have been omitted from the field notes of the survey and boundaries of a patent from the State, where the grant is covered under the terms of the treaty of Guadalupe De Hidalgo, and confirmed by the Acts of the Legislature of the State of Texas, shall not be considered as a vacancy, but shall be and the same is declared to be the property of the original grantor named in the Mexican grant, his heirs and assigns, from and after the passage of this Act."

The amendment was adopted.

Mr. Talbert offered the following amendment, to the committee amendment as substituted:

Amend substitute for House Bill No. 9, by adding the following to Section G:

"No title to either land or mineral interest in land acquired from the State under preference right shall ever be held to pass as an after-acquired title by reason of any covenant of general warranty, description or other provision, contained in any conveyance executed prior to the date of award

under such preference right unless an actual consideration has been paid to the grantor for that interest, which is after acquired as a vacancy."

TALBERT,
HOLLAND.

The amendment was adopted.

Mr. Thornberry offered the following amendment to the committee amendment, as substituted:

Amend committee amendment No. 1 to House Bill No. 9 on page 8 of the mimeographed copy at line 24, by striking out the following words: "the potential mineral value or."

Mr. Daniel moved to table the amendment by Mr. Thornberry.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64

Allen	Little
Bailey	Loggins
Baker	London
of Fort Bend	McAlister
Boyer	McDaniel
Bradford	McFarland
Bray	McMurry
Brown	Monkhouse
of Nacogdoches	Montgomery
Bundy	Newell
Cauthorn	Nicholson
Clark	Pevehouse
Colson, Mrs.	Piner
Corry	Pope
Daniel	Reaves
Davis of Upshur	Riviere
Derden	Roberts
Dickson	Robinson
Donaghey	Schuenemann
Faulkner	Shell
Fielden	Smith of Frio
Gilmer	Smith of Hopkins
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hankamer	Stoll
Hardeman	Tarwater
Harper	Taylor
Harrell of Bastrop	Thornton
Hartzog	Vale
Hull	Voigt
Johnson of Ellis	Waggoner
Johnson of Tarrant	Worley
Leonard	Wright
Leyendecker	

Nays—60

Alsup	Bond
Baker of Grayson	Boyd
Bell	Bradbury

Bridgers	Langdon
Broadfoot	Lehman
Brown of Cherokee	Lock
Burkett	Mays
Burney	McDonald
Chambers	McNamara
Cockrell	Mohrmann
Colquitt	Morris
Cornett	Oliver
Crossley	Pace
Davis of Jasper	Reader of Erath
Dickison	Reed
Dwyer	Rhodes
Ferguson	Roach
Galbreath	Russell
Hale	Skiles
Hardin	Spencer
Harp	Stinson
Harrell of Lamar	Talbert
Holland	Tennant
Howington	Thornberry
Hunt	Turner
Kennedy	Weldon
Kern	Westbrook
Kerr	White
Kersey	Wilson
King	Wood

Absent

Allison	Harris
Blankenship	Heflin
Celaya	Isaacks
Cleveland	Kinard
Dean	Ragsdale
Felty	Reader of Bexar
Fuchs	Segrist
Hamilton	Vint

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Mr. Hardeman offered the following amendment to the committee amendment, as substituted:

Amend substitute for committee amendment to House Bill No. 9, by adding a new Section to be numbered Section 4-a to read, as follows:

"Sec. 4-a. No lease executed by any agency of the State shall carry an exploratory term of more than five (5) years, and no lease executed by an owner or owners of the soil under what is commonly known as the Relinquishment Act shall be effective until approved by the Commissioner or other authority empowered to approve such lease, which lease and the approval thereof shall be made of record in the Land Office. No such lease

executed after the effective date hereof shall be binding upon the State unless it recites the actual and true consideration paid or promised therefor. All leases heretofore executed by the owner or owners of the soil under the Relinquishment Act, or certified copies thereof, from the County Clerk's records, shall be filed with the Land Commissioner within six (6) months from the effective date thereof, or such lease shall become null and void."

The amendment was adopted.

Mr. Boyd offered the following amendment to the committee amendment, as substituted:

Amend substitute to committee amendment to House Bill No. 9, page 10, Section (j), line 24 of the type-written substitute, at the end of the sentence ending with the words, "the State of Texas," by adding the words, "but no final judgment shall ever be binding upon the State of Texas unless the State is well and fully represented in any such suit."

On motion of Mr. Daniel, the amendment was tabled.

Mr. Talbert offered the following amendment to the committee amendment, as substituted:

Amend substitute to House Bill No. 9, page 8, Section G, on the third line from the bottom of page, by striking out the word "but," and substituting in lieu thereof the word "and," and inserting the word "not," between the word "shall," and the word "be."

Mr. Goodman moved to table the amendment by Mr. Talbert.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—66

Allison	Derden
Boyer	Dickson
Bradford	Donaghey
Bray	Faulkner
Burney	Ferguson
Cauthorn	Fielden
Clark	Gilmer
Cockrell	Goodman
Colquitt	Gordon, Mrs.
Colson, Mrs.	Hamilton
Crossley	Hankamer
Daniel	Harper
Davis of Upshur	Harris
Dean	Hartzog

Heflin	Pope
Hull	Reader of Bexar
Johnson of Ellis	Reaves
Johnson of Tarrant	Riviere
Kinard	Roberts
Lehman	Robinson
Leonard	Schuenemann
Leyendecker	Shell
Little	Smith of Hopkins
Loggins	Smith
London	of Matagorda
McAlister	Taylor
McDaniel	Thornton
McFarland	Turner
McMurry	Vale
Monkhouse	Vint
Montgomery	Voigt
Nicholson	Waggoner
Pevehouse	Wright
Piner	

Nays—61

Allen	Kennedy
Alsup	Kern
Bailey	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lock
Blankenship	McNamara
Bond	Mohrmann
Boyd	Morris
Bradbury	Newell
Bridgers	Oliver
Broadfoot	Reader of Erath
Brown of Cherokee	Reed
Brown	Rhodes
of Nacogdoches	Roach
Burkett	Russell
Chambers	Skiles
Cleveland	Smith of Frio
Cornett	Spencer
Davis of Jasper	Stinson
Dickison	Stoll
Dwyer	Talbert
Galbreath	Tarwater
Hale	Tennant
Hardin	Thornberry
Harrell of Bastrop	Weldon
Harrell of Lamar	Westbrook
Holland	White
Howington	Wilson
Hunt	Worley
Isaacks	

Absent

Bundy	Mays
Celaya	McDonald
Corry	Pace
Felty	Ragsdale
Fuchs	Segrist
Hardeman	Wood
Harp	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Question then recurring on the committee amendment, as substituted, yeas and nays were demanded.

The committee amendment, as substituted, was adopted by the following vote:

Yeas—113

Allen	Johnson of Tarrant
Allison	Kennedy
Alsup	Kern
Baker	Kerr
of Fort Bend	Kersey
Baker of Grayson	Kinard
Bell	Langdon
Bond	Lehman
Boyer	Leonard
Bradbury	Leyendecker
Bradford	Little
Bray	Lock
Broadfoot	Loggins
Bundy	London
Burkett	Mays
Burney	McAlister
Cauthorn	McDaniel
Celaya	McDonald
Chambers	McFarland
Clark	McMurry
Cockrell	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Monkhouse
Crossley	Montgomery
Daniel	Morris
Davis of Upshur	Newell
Dean	Nicholson
Derden	Oliver
Dickson	Piner
Donaghey	Pope
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fuchs	Riviere
Galbreath	Roach
Gilmer	Roberts
Goodman	Robinson
Gordon, Mrs.	Russell
Hale	Schuenemann
Hankamer	Segrist
Hardeman	Shell
Harper	Skiles
Harrell of Bastrop	Smith of Frio
Harris	Smith of Hopkins
Hartzog	Smith
Heflin	of Matagorda
Holland	Spencer
Howington	Stoll
Hunt	Talbert
Johnson of Ellis	Tarwater

Taylor	Waggoner
Tennant	Weldon
Thornberry	White
Thornton	Wilson
Turner	Wood
Vale	Worley
Vint	Wright
Voigt	

Nays—21

Bailey	Dwyer
Blankenship	Hamilton
Boyd	Hardin
Bridgers	Harrell of Lamar
Brown of Cherokee	Isaacks
Brown	King
of Nacogdoches	Pevehouse
Cleveland	Reed
Cornett	Rhodes
Davis of Jasper	Stinson
Dickison	Westbrook

Absent

Corry	Hull
Fielden	Pace
Harp	Ragsdale

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 9 was then passed to engrossment by the following vote:

Yeas—91

Allen	Dean
Allison	Derden
Alsup	Dickson
Baker	Donaghey
of Fort Bend	Faulkner
Bell	Ferguson
Boyer	Gilmer
Bradbury	Goodman
Bradford	Gordon, Mrs.
Bray	Hankamer
Bundy	Hardeman
Burkett	Harp
Burney	Harper
Cauthorn	Harris
Chambers	Hartzog
Clark	Heflin
Cockrell	Howington
Colson, Mrs.	Hunt
Corry	Johnson of Ellis
Crossley	Johnson of Tarrant
Daniel	Kern
Davis of Upshur	Kerr

Kersey	Roberts
Kinard	Robinson
Langdon	Russell
Lehman	Schuenemann
Leonard	Segrist
Leyendecker	Shell
Little	Smith of Frio
Lock	Smith of Hopkins
Loggins	Smith
London	of Matagorda
Mays	Stoll
McAlister	Tarwater
McDaniel	Taylor
McFarland	Tennant
McMurry	Thornton
Monkhouse	Turner
Montgomery	Vale
Newell	Vint
Nicholson	Voigt
Piner	Waggoner
Pope	White
Reader of Bexar	Wood
Reaves	Worley
Riviere	Wright
Roach	

Nays—41

Bailey	Holland
Baker of Grayson	Isaacks
Blankenship	Kennedy
Bond	King
Boyd	McDonald
Bridgers	McNamara
Broadfoot	Mohrmann
Brown of Cherokee	Morris
Brown	Oliver
of Nacogdoches	Pevehouse
Cleveland	Reader of Erath
Cornett	Reed
Davis of Jasper	Rhodes
Dickison	Skiles
Dwyer	Spencer
Felty	Stinson
Galbreath	Talbert
Hale	Thornberry
Hamilton	Weldon
Harrell of Bastrop	Westbrook
Harrell of Lamar	Wilson

Present—Not Voting

Hardin

Absent

Celaya	Hull
Colquitt	Pace
Fielden	Ragsdale
Fuchs	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

PAIRED

Mr. Hardin (present), who would vote "nay," with Mr. Howard (absent), who would vote "yea."

Mr. Daniel moved to reconsider the vote by which House Bill No. 9 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I have consistently opposed House Bill No. 9 up to the present time. However, this is a complete substitute which strikes out objectionable features that were in the original bill. The State Teachers Association has withdrawn its opposition to the substitute. In view of these facts, I am now voting for the bill.

LOCK,
FERGUSON.

MOTION TO PLACE HOUSE BILL
NO. 9 ON THIRD
READING

Mr. Daniel moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 9 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—85

Allen	Ferguson
Allison	Galbreath
Alsup	Gilmer
Baker	Goodman
of Fort Bend	Gordon, Mrs.
Bell	Hankamer
Boyer	Hardeman
Bradford	Harp
Bray	Harper
Bundy	Harris
Burney	Hartzog
Cauthorn	Heflin
Celaya	Howington
Chambers	Hunt
Clark	Johnson of Ellis
Cockrell	Johnson of Tarrant
Colson, Mrs.	Kern
Corry	Kinard
Daniel	Lehman
Davis of Upshur	Leonard
Dean	Leyendecker
Derden	Little
Dickson	Lock
Donaghey	Loggins
Faulkner	London

Mays	Segrist
McAlister	Shell
McDaniel	Smith of Frio
McFarland	Smith of Hopkins
McMurry	Smith
Monkhouse	of Matagorda
Montgomery	Stoll
Newell	Tarwater
Nicholson	Taylor
Piner	Tennant
Pope	Thornton
Reader of Bexar	Turner
Reader of Erath	Vale
Reaves	Vint
Riviere	Voigt
Roach	Waggoner
Roberts	Worley
Robinson	Wright
Schuenemann	

Nays—49

Bailey	Isaacks
Baker of Grayson	Kennedy
Blankenship	Kerr
Bond	Kersey
Boyd	King
Bradbury	Langdon
Bridgers	McDonald
Broadfoot	McNamara
Brown of Cherokee	Mohrmann
Brown	Morris
of Nacogdoches	Oliver
Burkett	Pevehouse
Cleveland	Reed
Cornett	Rhodes
Crossley	Russell
Davis of Jasper	Skiles
Dickison	Spencer
Dwyer	Stinson
Felty	Talbert
Hale	Thornberry
Hamilton	Weldon
Hardin	Westbrook
Harrell of Bastrop	White
Harrell of Lamar	Wilson
Holland	Wood

Absent

Colquitt	Hull
Fielden	Pace
Fuchs	Ragsdale

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

(Speaker in the Chair.)

HOUSE BILL NO. 813 WITH SEN-
ATE AMENDMENTS

Mr. Langdon called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. B. No. 813, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any deer for a period of five years in Somervell County, Texas; fixing a penalty; repealing all laws or parts of laws in conflict herewith in so far as they apply to Somervell County, and declaring an emergency."

Mr. Langdon moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

ADDITIONAL SIGNER OF HOUSE BILL NO. 359

Mr. Smith of Frio was authorized to sign House Bill No. 359, as co-author of same.

HOUSE BILL NO. 359 ON SECOND READING

On motion of Mr. Smith of Hopkins, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 359.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 359, A bill to be entitled "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and providing for the transfer from the District Court of Travis County, Texas, to the court having jurisdiction in the county in which the land or any part thereof may lie of cases heretofore filed by the State in the District Court of Travis County, Texas, under said Articles and not yet tried in the trial court on motion of any party to any such cause, and providing for the hearing and disposition of such motion, repealing all laws, or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Smith of Hopkins offered the following committee amendment to the bill:

Amend House Bill No. 359 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 5420 of the Revised Civil Statutes of Texas, 1925, be, and the same is hereby amended so as hereafter to read as follows:

"Article 5420. When any public lands are held, occupied, or claimed by any person, association or corporation, adversely to the State, or to any fund or when lands are forfeited to the State for any cause, the Attorney General shall institute suit therefor, for rent thereon, and for any damages thereto. Any and all suits brought by the State under this Article and under the preceding Article must be brought in the county in which the land or any part thereof may lie. Nothing in this Act shall affect or apply to any suit or suits pending at the time this act shall become effective.

Sec. 2 All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Sec. 3. The importance of this legislation creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Smith of Hopkins, offered the following committee amendment to the bill:

Amend House Bill No. 359 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

"An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie; providing that nothing in this Act shall affect or apply to any suit or suits now pending, and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 359 was then passed to engrossment.

HOUSE BILL NO. 359 ON THIRD READING

Mr. Smith of Hopkins, moved that the constitutional rule, requiring bills to be read on three several days, be suspended and that House Bill No. 359 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Allen	Gordon, Mrs.
Allison	Hale
Alsup	Hamilton
Bailey	Hankamer
Baker	Hardeman
of Fort Bend	Hardin
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Bastrop
Bond	Harrell of Lamar
Boyer	Harris
Bradbury	Hartzog
Bradford	Howington
Bray	Hull
Broadfoot	Hunt
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	Kersey
Cauthorn	King
Chambers	Langdon
Clark	Lehman
Cleveland	Leonard
Cockrell	Leyendecker
Colquitt	Little
Colson, Mrs.	Lock
Cornett	Loggins
Crossley	London
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Derden	McFarland
Dickson	McMurry
Donaghey	McNamara
Faulkner	Mohrmann
Felty	Monkhouse
Ferguson	Montgomery
Fielden	Morris
Fuchs	Newell
Galbreath	Oliver
Gilmer	Pevehouse
Goodman	Piner

Pope	Stoll
Reader of Bexar	Talbert
Reader of Erath	Tarwater
Reaves	Taylor
Riviere	Tennant
Roach	Thornton
Roberts	Turner
Robinson	Vale
Russell	Vint
Schuenemann	Voigt
Segrist	Waggoner
Shell	Weldon
Skiles	Westbrook
Smith of Frio	White
Smith of Hopkins	Wilson
Smith	Wood
of Matagorda	Worley
Spencer	Wright
Stinson	

Nays—5

Boyd	Isaacks
Dickison	Thornberry
Holland	

Absent

Bridgers	Mays
Celaya	Nicholson
Corry	Pace
Dean	Ragsdale
Dwyer	Reed
Heflin	Rhodes
Kinard	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

The Speaker then laid House Bill No. 359 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—121

Allen	Burkett
Allison	Cauthorn
Alsup	Chambers
Bailey	Clark
Baker	Cleveland
of Fort Bend	Cockrell
Baker of Grayson	Colquitt
Bell	Colson, Mrs.
Blankenship	Cornett
Bond	Daniel
Boyer	Davis of Jasper
Bradbury	Davis of Upshur
Bradford	Dean
Bray	Derden
Broadfoot	Dickson
Brown of Cherokee	Donaghey
Bundy	Faulkner

Ferguson	Montgomery
Fielden	Morris
Fuchs	Newell
Galbreath	Nicholson
Gilmer	Oliver
Goodman	Pevehouse
Gordon, Mrs.	Piner
Hale	Pope
Hamilton	Reader of Bexar
Hankamer	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harp	Rhodes
Harper	Riviere
Harrell of Bastrop	Roach
Harrell of Lamar	Roberts
Harris	Robinson
Hartzog	Russell
Howington	Schuenemann
Hull	Segrist
Hunt	Shell
Johnson of Ellis	Skiles
Johnson of Tarrant	Smith of Frio
Kennedy	Smith of Hopkins
Kern	Smith
Kerr	of Matagorda
Kersey	Spencer
Kinard	Stinson
King	Stoll
Langdon	Talbert
Lehman	Tarwater
Leonard	Taylor
Leyendecker	Tennant
Little	Thornton
Lock	Turner
Loggins	Vale
London	Voigt
McAlister	Waggoner
McDaniel	Weldon
McDonald	Westbrook
McFarland	White
McMurry	Wilson
McNamara	Wood
Mohrmann	Worley
Monkhouse	

Nays—7

Boyd	Holland
Crossley	Isaacks
Dickison	Thornberry
Felty	

Present—Not Voting

Brown
of Nacogdoches

Absent

Bridgers	Mays
Burney	Pace
Celaya	Ragsdale
Corry	Vint
Dwyer	Wright
Heflin	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Mr. Smith of Hopkins moved to reconsider the vote by which House Bill No. 359 was passed and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO SET HOUSE BILL NO. 223 FOR SPECIAL ORDER

Mr. Reader of Bexar moved that House Bill No. 223 be set for special order at 10:30 o'clock a. m. next Friday, April 14.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—62

Baker	Kinard
of Fort Bend	Langdon
Bell	Leyendecker
Bradbury	Lock
Bradford	London
Bundy	McAlister
Burney	McDaniel
Cauthorn	McDonald
Clark	McFarland
Cleveland	McMurry
Cockrell	McNamara
Colquitt	Montgomery
Colson, Mrs.	Newell
Dean	Nicholson
Derden	Pevehouse
Dickison	Reader of Bexar
Faulkner	Reader of Erath
Felty	Reed
Ferguson	Roach
Goodman	Robinson
Gordon, Mrs.	Russell
Hamilton	Segrist
Harper	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
Harris	Stinson
Heflin	Stoll
Holland	Turner
Hull	Vale
Hunt	Waggoner
Johnson of Ellis	Wilson
Kerr	Wood
Kersey	

Nays—58

Allen	Bond
Allison	Boyd
Alsup	Boyer
Bailey	Bray
Baker of Grayson	Bridgers
Blankenship	Broadfoot

Brown of Cherokee	Mohrmann
Brown	Monkhouse
of Nacogdoches	Morris
Burkett	Oliver
Chambers	Piner
Cornett	Ragsdale
Corry	Reaves
Crossley	Rhodes
Dickson	Roberts
Donaghey	Skiles
Fuchs	Spencer
Galbreath	Talbert
Gilmer	Tarwater
Hankamer	Taylor
Hardin	Tennant
Harp	Thornberry
Harrell of Lamar	Thornton
Howington	Voigt
Isaacks	Weldon
Kennedy	Westbrook
Kern	White
King	Worley
Lehman	Wright
Little	

Absent

Celaya	Loggins
Daniel	Mays
Davis of Jasper	Pace
Davis of Upshur	Pope
Dwyer	Riviere
Fielden	Schuenemann
Hale	Shell
Hardeman	Smith
Hartzog	of Matagorda
Johnson of Tarrant	Vint
Leonard	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

SPECIAL ORDER SET

Mr. Bell moved that House Bill No. 912 be set for special order at 10:30 o'clock a. m., next Friday, April 14.

The motion prevailed by the following vote:

Yeas—99

Allen	Brown of Cherokee
Alsup	Brown
Bailey	of Nacogdoches
Baker	Bundy
of Fort Bend	Cauthorn
Bell	Clark
Blankenship	Cleveland
Bond	Cockrell
Boyd	Colquitt
Bradbury	Colson, Mrs.
Bradford	Cornett
Bray	Corry

Crossley	McMurry
Daniel	McNamara
Davis of Jasper	Mohrmann
Dean	Monkhouse
Derden	Montgomery
Dickson	Morris
Dwyer	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Pope
Fuchs	Ragsdale
Gilmer	Reader of Erath
Goodman	Reaves
Gordon, Mrs.	Riviere
Hamilton	Roberts
Hardeman	Robinson
Harp	Russell
Harper	Schuenemann
Harrell of Bastrop	Segrist
Harris	Shell
Hartzog	Skiles
Heflin	Smith of Frio
Holland	Smith of Hopkins
Hull	Stinson
Hunt	Stoll
Johnson of Tarrant	Tarwater
Kern	Tennant
Kersey	Thornberry
Kinard	Thornton
Langdon	Turner
Lehman	Vale
Leonard	Vint
Leyendecker	Waggoner
Lock	Westbrook
London	Wilson
McAlister	Wood
McDaniel	Worley
McDonald	Wright
McFarland	

Nays—30

Allison	Harrell of Lamar
Baker of Grayson	Howington
Boyer	Kennedy
Bridgers	Kerr
Broadfoot	King
Burkett	Little
Chambers	Pevehouse
Davis of Upshur	Reed
Dickson	Rhodes
Donaghey	Roach
Faulkner	Spencer
Galbreath	Talbert
Hale	Voigt
Hankamer	Weldon
Hardin	White

Absent

Burney	Pace
Celaya	Piner
Isaacks	Reader of Bexar
Johnson of Ellis	Smith
Loggins	of Matagorda
Mays	Taylor

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

HOUSE BILL NO. 391 ON SECOND READING

On motion of Mr. Riviere, the regular order of business was suspended to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 391.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 391, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers, and in certain waters of Galveston Bay, during the period beginning August 15 and ending May 15 of each year; making it unlawful to use certain nets contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature; providing that it shall be unlawful to have in possession certain seines or nets in or on any of the tidal waters of this State where said nets are prohibited from being used in taking fish or shrimp unless same is on board a vessel when in port or enroute to or from the Gulf of Mexico; providing for seizure of said nets by officers of the State and for trial of defendant; fixing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Riviere offered the following committee amendment to the bill:

Amend H. B. No. 391 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That the Acts of 1932, Forty-second Legislature of the State of Texas, Third Called Session, page 91, Chapter 28, House Bill No. 80, be and the same is hereby amended to read as follows:

"Sec. 2. It shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls as defined by the

Statutes of this State for the taking of fish and shrimp from the waters of East Galveston Bay in the counties of Galveston and Chambers, except for a hereinafter defined part thereof, and the small abutting bodies known as follows: Swan Lake, Noses Lake, Clear Lake, Dickinson Bayou west of a line running from Miller's Point to April Fool Point, Turtle Bay and all waters lying Northwest of a line extending from Kemah, in Galveston County, to a point known as Mesquite Knoll in Chambers County, and all waters of Galveston Bay lying east of a line extending from the extreme western point of Smith's Point in Chambers County to the west bank of Siever's Cut where East Bay intersects with the north bank of the Intracoastal Canal on Bolivar Peninsula in Galveston County at Siever's Fish Camp, which Cut is at a point southwest of Elm Grove Point on Bolivar Peninsula in Galveston County, Texas, and northeast of Baffle Point on Bolivar Peninsula in Galveston County, Texas, during the period beginning August 15th and ending May 15th of each year. Provided, however, nothing in this Act shall be construed to prohibit the use of shrimp trawls of not more than 10 feet in width at the mouth and not more than 25 feet in length as permitted by Chapter 11, Acts 1930, Forty-first Legislature, Fourth Called Session. It shall be unlawful for any person to use a strike net, gill net, trammel net, or shrimp trawl, contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature.

"Sec. 3. It shall be unlawful to have in possession any seine, strike net, gill net, trammel net, or shrimp trawl, in or on any of the tidal waters of this State where the use of said seine, strike net, gill net, trammel net or shrimp trawl is prohibited from being used in taking or catching fish and/or shrimp, unless such seine, strike net, gill net, trammel net, or shrimp trawl is on board a vessel when such vessel is at port or in a channel while enroute to or from the Gulf of Mexico.

"Sec. 4. When any officer of this State sees any seine, strike net, gill net, trammel net or shrimp trawl in or on any of the tidal waters of this State where the use of such seine, strike net, gill net, trammel net or

shrimp trawl is prohibited from being used for the purpose of taking fish and/or shrimp, and has reason to believe and does believe that the same is being used or possessed in violation of the provisions of this Act, it shall be his duty to arrest the party using or possessing said seine, strike net, gill net, trammel net or shrimp trawl and, without a warrant, shall seize such seine, strike net, gill net, trammel net or shrimp trawl as evidence. It shall be the duty of such officer to deliver such seine, strike net, gill net, trammel net or shrimp trawl to the County Judge or Justice of the Peace of the County in which it was seized, where it shall be held as evidence until after the trial. If the defendant is found guilty of possessing or using such seine, strike net, gill net, trammel net or shrimp trawl unlawfully, the Court shall enter an order directing the immediate destruction of such seine, strike net, gill net, trammel net, or shrimp trawl by the Sheriff or Constable of the County where the case was tried and the Sheriff or Constable of the County shall immediately destroy such seine, strike net, gill net, trammel net or shrimp trawl, and make a sworn report to said County Judge or Justice of the Peace, showing how, when and where said seine, strike net, gill net, trammel net or shrimp trawl was destroyed. When such device is found by an officer of this State in or on any of the tidal waters of this State without anyone in possession where its use is prohibited, it shall be seized by such officer without warrant, and delivered to the County Judge or Justice of the Peace in the County in which it was found. Said officer shall make affidavit that such seine, strike net, gill net, trammel net or shrimp trawl was found in or on the tidal waters of this State at a point where its use was prohibited, which said affidavit shall describe such seine, strike net, gill net, trammel net, or shrimp trawl and the Court shall direct the Sheriff or any Constable of the County to post a copy of said affidavit in the courthouse of the County in which said seine, strike net, gill net, trammel net or shrimp trawl was seized, and said officer shall make his return to the Court showing when and where said notice was posted. Thirty (30) days after such notice is posted, the

Court, either in term time or in vacation, shall enter an order directing the immediate destruction of such seine, strike net, gill net, trammel net or shrimp trawl by the Sheriff or any Constable in the County, and said officer executing said order, shall, under oath, make his return to said Court, showing how, when and where such seine, strike net, gill net, trammel net or shrimp trawl was destroyed.

"Sec. 5. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars and not more than Two Hundred (\$200.00) Dollars, and his fisherman's license or dealer's license or both, shall be automatically cancelled, and he shall not be entitled to receive another fisherman's license or dealer's license for one year from the time of such conviction.

"Sec. 6. All laws or parts of laws in conflict herewith shall be and the same are hereby repealed.

"Sec. 7. The fact that the existing regulations governing the taking of fish and shrimp in the territory covered by this enactment are not duly restricted, and the further fact that the use of nets in that portion of East Galveston Bay lying east of a line extending from the extreme western point of Smith's Point in Chambers County, to the West Bank of Siever's Cut where East Bay intersects with the North bank of the Intra Coastal Canal on Bolivar Peninsula in Galveston County at Siever's Fish Camp, which Cut is at a point Southwest of Elm Grove Point on Bolivar Peninsula in Galveston County, Texas, and Northeast of Baffle Point on Bolivar Peninsula in Galveston County, Texas, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted."

NICHOLSON,
KINARD,
RIVIERE.

The committee amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered

amended to conform to all changes, and with the body of the bill.

House Bill No. 391 was then passed to engrossment.

HOUSE BILL NO. 391 ON THIRD READING

Mr. Riviere moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 391 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Allen	Goodman
Allison	Gordon, Mrs.
Alsup	Hale
Bailey	Hamilton
Baker	Hankamer
of Fort Bend	Hardeman
Baker of Grayson	Hardin
Bell	Harp
Blankenship	Harper
Bond	Harrell of Bastrop
Boyd	Harrell of Lamar
Boyer	Harris
Bradbury	Hartzog
Bradford	Heflin
Bray	Holland
Bridgers	Howington
Brown of Cherokee	Hull
Brown	Hunt
of Nacogdoches	Isaacks
Bundy	Johnson of Ellis
Burkett	Johnson of Tarrant
Burney	Kennedy
Cauthorn	Kern
Celaya	Kerr
Chambers	Kersey
Clark	Kinard
Cleveland	King
Cockrell	Langdon
Colquitt	Lehman
Colson, Mrs.	Leonard
Cornett	Leyendecker
Corry	Little
Crossley	Lock
Daniel	London
Davis of Jasper	McAlister
Davis of Upshur	McDaniel
Dean	McDonald
Derden	McMurry
Dickison	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fuchs	Nicholson
Galbreath	Oliver
Gilmer	Pevehouse

Piner	Stinson
Pope	Stoll
Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vint
Russell	Voigt
Schuenemann	Waggoner
Segrist	Weldon
Shell	Westbrook
Skiles	Wilson
Smith of Frio	Wood
Smith of Hopkins	Worley
Spencer	Wright

Absent

Broadfoot	Ragsdale
Dwyer	Reader of Bexar
Fielden	Smith
Loggins	of Matagorda
Mays	Vale
McFarland	White
Pace	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

The Speaker then laid House Bill No. 391 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—127

Allen	Celaya
Allison	Chambers
Alsup	Clark
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Colquitt
Baker of Grayson	Colson, Mrs.
Bell	Cornett
Blankenship	Corry
Bond	Crossley
Boyd	Daniel
Boyer	Davis of Jasper
Bradbury	Davis of Upshur
Bradford	Dean
Bray	Derden
Bridgers	Dickison
Brown of Cherokee	Dickson
Brown	Faulkner
of Nacogdoches	Felty
Bundy	Ferguson
Burkett	Fuchs
Burney	Galbreath
Cauthorn	Gilmer

Goodman	Oliver
Gordon, Mrs.	Pevehouse
Hale	Piner
Hamilton	Pope
Hankamer	Ragsdale
Hardeman	Reader of Erath
Hardin	Reaves
Harp	Reed
Harper	Rhodes
Harrell of Lamar	Riviere
Harris	Roach
Hartzog	Roberts
Heflin	Robinson
Holland	Russell
Howington	Schuenemann
Hunt	Segrist
Isaacks	Shell
Johnson of Ellis	Skiles
Johnson of Tarrant	Smith of Frio
Kennedy	Smith of Hopkins
Kern	Spencer
Kerr	Stinson
Kersey	Stoll
Kinard	Talbert
King	Tarwater
Langdon	Taylor
Lehman	Tennant
Leonard	Thornberry
Leyendecker	Thornton
Little	Turner
Lock	Vale
London	Vint
McAlister	Voigt
McDaniel	Waggoner
McMurry	Weldon
McNamara	Westbrook
Mohrmann	White
Monkhouse	Wilson
Montgomery	Wood
Morris	Worley
Newell	Wright
Nicholson	

Absent

Broadfoot	Mays
Donaghey	McDonald
Dwyer	McFarland
Fielden	Pace
Harrell of Bastrop	Reader of Bexar
Hull	Smith
Loggins	of Matagorda

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Mr. Riviere moved to reconsider the vote by which House Bill No. 391 was passed, and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO HOUSE BILL NO. 914

Mr. Hull moved to suspend the Rules relative to the making of motions to table for the purpose of making a motion to reconsider the vote by which House Bill No. 914 was laid on the table.

The motion to suspend the Rule prevailed by the following vote:

Yeas—126

Allen	Harp
Allison	Harper
Alsup	Harrell of Bastrop
Bailey	Harrell of Lamar
Baker	Harris
of Fort Bend	Hartzog
Baker of Grayson	Heflin
Bell	Holland
Bond	Howington
Boyd	Hull
Boyer	Hunt
Bradbury	Isaacks
Bradford	Johnson of Ellis
Bray	Johnson of Tarrant
Bridgers	Kennedy
Brown of Cherokee	Kern
Brown	Kerr
of Nacogdoches	Kersey
Bundy	King
Burkett	Langdon
Burney	Lehman
Cauthorn	Leonard
Chambers	Leyendecker
Clark	Lock
Cleveland	London
Cockrell	McAlister
Colquitt	McDonald
Colson, Mrs.	McFarland
Cornett	McMurry
Corry	McNamara
Crossley	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Dean	Newell
Derden	Nicholson
Dickison	Oliver
Dickson	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Ragsdale
Fielden	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Reaves
Gilmer	Reed
Goodman	Rhodes
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Robinson
Hankamer	Russell
Hardeman	Schuenemann
Hardin	Segrist

Shell	Thornton
Skiles	Turner
Smith of Frio	Vale
Smith of Hopkins	Vint
Spencer	Voigt
Stinson	Waggoner
Stoll	Weldon
Talbert	White
Tarwater	Wilson
Taylor	Wood
Tennant	Worley
Thornberry	Wright

Absent

Blankenship	Mays
Broadfoot	McDaniel
Celaya	Pace
Donaghey	Riviere
Dwyer	Smith
Kinard	of Matagorda
Little	Westbrook
Loggins	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

On motion of Mr. Hull, the vote was reconsidered by which House Bill No. 914 was laid on the table.

HOUSE BILL NO. 142 WITH SENATE AMENDMENTS

Mr. Wood called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 142, A bill to be entitled "An Act providing that persons, firms, or corporations, who operate or conduct hotels, cafes, restaurants, dining cars, or other public eating places, bakeries, and meat markets in this State, shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; and further providing that such persons, firms, or corporations or common carriers, operating or conducting any public eating place heretofore named or operating any bakery, or meat market, public dairy or dairies, or manufacturers of and vendors of candies or manufactured sweets, shall have made a medical inspection of all their employes at intervals of not more than six (6) months, and if such examination discloses the fact that any person in their employment is infected with or affected by any infectious or contagious disease, that such person shall

be promptly discharged from such employment; providing it shall be unlawful for manufacturers or vendors of candies and manufactured sweets to consign, sell or furnish in any way said candies and manufactured sweets to individuals for the purpose of resale at their private residences who do not display valid health certificates for each member of the household and sanitary display show-cases; etc., and declaring an emergency."

On motion of Mr. Wood, the House concurred in the Senate amendments, by the following vote:

Yeas—121

Allen	Hardeman
Allison	Hardin
Alsup	Harp
Bailey	Harper
Baker	Harrell of Bastrop
of Fort Bend	Harrell of Lamar
Baker of Grayson	Harris
Bell	Heflin
Bond	Holland
Boyd	Howington
Boyer	Hull
Bradbury	Hunt
Bradford	Isaacks
Bray	Johnson of Ellis
Bridgers	Kennedy
Brown of Cherokee	Kern
Brown	Kerr
of Nacogdoches	Kersey
Bundy	King
Burkett	Langdon
Burney	Lehman
Cauthorn	Leyendecker
Chambers	Lock
Clark	London
Cleveland	Mays
Cockrell	McAlister
Colquitt	McDaniel
Colson, Mrs.	McFarland
Cornett	McMurry
Crossley	McNamara
Daniel	Mohrmann
Davis of Jasper	Monkhouse
Davis of Upshur	Montgomery
Dean	Morris
Derden	Newell
Dickison	Nicholson
Dickson	Oliver
Faulkner	Pevehouse
Felty	Piner
Ferguson	Pope
Fielden	Ragsdale
Fuchs	Reader of Bexar
Galbreath	Reader of Erath
Gilmer	Reaves
Gordon, Mrs.	Reed
Hamilton	Rhodes
Hankamer	Riviere

Roach	Tennant
Roberts	Thornberry
Robinson	Thornton
Russell	Turner
Schuenemann	Vale
Segrist	Vint
Shell	Voigt
Skiles	Waggoner
Smith of Frio	Weldon
Smith of Hopkins	White
Spencer	Wilson
Stoll	Wood
Talbert	Worley
Tarwater	Wright
Taylor	

Absent

Blankenship	Kinard
Broadfoot	Leonard
Celaya	Little
Corry	Loggins
Donaghey	McDonald
Dwyer	Pace
Goodman	Smith
Hale	of Matagorda
Hartzog	Stinson
Johnson of Tarrant	Westbrook

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

HOUSE BILL NO. 397 ON SECOND
READING

On motion of Mr. Tarwater, the regular order of business was suspended, to take up and have placed on its second reading, and passage to engrossment, House Bill No. 397.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 397, A bill to be entitled "An Act defining 'warehousemen' and 'warehouse,' names and words associated therewith; and providing for the licensing and bonding of same and the manner of securing license and bond and exempting certain warehouses; and providing for the procedure thereof; defining the duties and liabilities of warehousemen; and providing for the Commissioner of Agriculture to supervise warehouses; and to approve forms of receipts, records and certificates, and providing for records to be kept, and for the inspection of same; for warehouse examiners with a general director thereof; for salaries and qualifications and for bonding of same and

prescribing their duties; providing for warehousemen to furnish an annual audit of reserve funds, assets, and liabilities, and the manner of making same; providing for examination fees; fixing the amount of same and to whom payable; providing for the disposition of same to the State Treasurer in a special fund; providing for forced liquidation of insolvent warehousemen; providing for method of handling grain in excess of storage capacity; providing for separate accounts for grain, that grain warehouse receipts shall show kind, grade, etc., complying with U. S. Grain Standards Act; providing for delivery of grain on surrender of receipts; providing for handling of grain at time of delivery to warehouse, and for issuance of tickets; providing for forfeitures and penalties for violation of provisions of this Act and for violating certain provisions of Chapter 4, Title 93, Revised Civil Statutes, 1925; making failure to obey law a penal offense and fixing punishment therefor; providing for the interpretation of this Act; repealing Chapters 1, 2 and 3, and Article 5661, and subsection 10, of Article 5613, Chapter 4, Title 93, Revised Civil Statutes 1925, Senate Bill 34, Acts of the Second Called Session, Forty-second Legislature, and any other laws in conflict with this Act, and declaring an emergency."

The bill was read second time.

Mr. Tarwater offered the following committee amendment to the bill:

Amend House Bill No. 397 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Public Warehouse and Warehouseman. The term 'warehouse' as used in this Act shall be deemed to mean any building, house, structure, compartment, or room or other protected enclosure, that is protected and suitable for the storage of such products in the opinion of the Commissioner; in which any cotton, wheat, rice, oats, rye, field seed, or any other kind of grain or grain products or produce, wares or merchandise, household goods or any personal property may be stored for hire, as that term is defined in this Act; provided, however, that all storage places for automobiles only, where automobiles are taken for daily storage, commonly known as

automobile garages, shall be excluded from all provisions of this Act.

(a) "Public Warehouseman," as used in this Act, shall mean any person, firm, corporation, partnership or association of any persons, who shall receive from a depositor, as defined in this law, any of the above mentioned commodities or merchandise for the purpose of storing same for hire.

(b) "Depositor," as used in this Act, shall be deemed to mean any person, firm, corporation, partnership, or association of persons, who, as owner and/or acting for owner, delivers any of the above mentioned commodities or personal property in and to a public warehouse for storage.

(c) The term "for hire," as used herein, shall be deemed to mean the charges for storage or the charges for handling, sale, concentration, conditioning, preservation and drayage, or any or all of these services where storage is included in or rendered in connection with the charge for services pertaining to any of the commodities or personal property mentioned in this Section.

(d) "Commissioner," as defined in this Act, shall mean the Commissioner of Agriculture of the State of Texas.

(e) "Fungible Goods" means goods of which any unit is from its nature or by mercantile custom, treated as the equivalent of any other unit. Provided, however, that where the term "Fungible Goods" is used in this Act the same shall not be construed to apply to rice.

(f) "Number of Units" as used in connection with rice warehouses and warehousemen herein means the number of sacks, barrels, pockets, packages or containers of rice stored with the warehouse or warehouseman by the owner thereof.

(g) "Kinds of Rice" as used herein means variety of rice, for example: Blue Rose, Early Prolific, Fortune or any of the other varieties of rice.

Sec. 2. License and Bond. The Commissioner is authorized to and shall upon application made to him, upon a form to be approved by him, issue to any individual, firm, corporation, partnership or association of persons as the owner, proprietor, lessee or manager of any warehouse

in this state, a license to transact business as a public warehouseman, in accordance with this Act, and with such rules and regulations as may be made thereunder. Before any such person shall be authorized to transact business as a public warehouseman in this State, he shall be required to procure from the Commissioner such license. The form of application to be made shall set forth, under oath, in substance the location and name of the warehouse, the kind and character of goods expected to be stored, the approximate floor space in square feet (or in cubic feet for grain elevators), the name of each person, individual or member of the firm interested as owner or principal, and if it is owned or managed by a corporation, the names of the president, secretary and treasurer shall be stated, and shall also furnish a statement showing his or their financial responsibility.

Each person, firm, corporation, partnership or association of persons making application to such Commissioner for a license to conduct a warehouse in accordance with this Act, shall as a condition to the granting thereof, execute and file with the Commissioner a good and sufficient bond, payable to the State of Texas, to secure the faithful performance of his obligations as a warehouseman under the laws of this State, as well as under the terms of this Act, and the rules and regulations prescribed thereunder, and of such additional obligations, if any, as may be assumed by him as a warehouseman under contracts with the respective depositors of commodities or personal property in such warehouse. Said bond shall be in the penal sum of not less than Five Thousand Dollars (\$5,000) nor more than Fifty Thousand Dollars (\$50,000), the exact amount to be arrived at as follows:

Five Thousand Dollars (\$5,000) for each fifty thousand (50,000) gross square feet or fraction thereof operated by a warehouseman.

The amount of said bond for grain warehouses shall be fixed at the rate of five cents (5c) per bushel on the maximum number of bushels that said warehouse will accommodate when stored in the manner customary to each of such warehouses for which such bond is required, except

in the case of rice which bond shall be fixed at the rate of fifteen cents (15c) per bushel of the maximum number of bushels or barrels that said warehouses will accommodate when stored in the manner customary to each of such warehouses for which such bond is required, but not less than Five Thousand Dollars (\$5,000) nor more than Fifty Thousand Dollars (\$50,000). In case the Commissioner finds the existence of conditions warranting such action there shall be added to the amount fixed in accordance with this paragraph a further amount, fixed by him, to meet such conditions. Said Bond shall be signed by the person, firm or corporation making the application as Principal and any insurance carrier duly licensed to do a fidelity and surety business in this State; and provided further that the acceptance of any such bond shall be made only upon approval thereof by the Commissioner of Agriculture. It shall be the duty of any such insurance carrier after signing said bond to officially notify the Commissioner of payment or non-payment of premiums due thereon, by the warehouseman. If a warehouseman fails to keep such bond intact and undertakes to operate a public warehouse, he shall be penalized as hereinafter provided. Said bond shall indemnify any person or persons who may be damaged by failure of the warehouseman to deliver any of the commodities or personal property stored with him or them, upon demand made in compliance with this Act and the rules and regulations made in pursuance hereof, or by any statement made by the warehouseman, or anyone under his authority in any receipt issued for such products, commodities or personal property stored with him. Suit may be brought in any court of competent jurisdiction by any person, firm or corporation sustaining damage by reason of the breach of the conditions of such bond, growing out of any fault or act of the warehouseman or his agents in violation of the provisions of this Act, and any rules and regulations lawfully made in pursuance hereof. Any such suit may be instituted on such bond in any county in the State of Texas where such warehouseman resides or has an agent, representative or place of

business, and venue is hereby given to such District Court and when such suit shall have been filed in any such county and jurisdiction thereof acquired, it shall not be transferred to any other county except upon change of venue allowed by the court. Any person, firm or corporation having a claim against the warehouseman shall have the right to intervene and be made a party to any action instituted by the State on the bond of the warehouseman and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject to the priority of claims as may be established in said judgment. If the full amount of the liability on said bond is insufficient to pay the full amount of said claims and demands, then, after taking care of the priorities in the judgment as may be established therein, the remainder shall be distributed pro-rata among said intervenors establishing judgment for the same.

It is the obligation of the warehouseman under this law to exercise ordinary care in the storage, preservation and handling of all commodities or personal property entrusted to him for storage in the same manner as a reasonably careful owner of similar goods would, under the same or similar circumstances, exercise.

Every person, firm, corporation, partnership or association of persons operating two or more warehouses, under a common management, ownership and control in the State of Texas will be required to procure only one bond, the amount of said bond to be determined on the combined total square feet, bin or barrel capacity of the several warehouses operated; provided, however, that where one such bond is issued, the assets and bond applicable to all such warehouses shall be subject to the liabilities of each; provided, however, that a license shall be required for each warehouse.

If said bond becomes impaired from any cause, the Commissioner is authorized to and shall require the warehouseman, by written notice to make good such impairment, and/or to furnish a new and sufficient bond in compliance with this law.

Any person, firm, corporation, partnership or association of persons who operates or undertakes to op-

erate a public warehouse in this State, and who fails to make the bond and secure the license as herein provided for or who refuses to renew the bond or make a new bond when required by the Commissioner to do so, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided.

Sec. 3. Exempting United States Warehouses. Warehouses that have complied with the United States Warehouse Act and are operating under United States Warehouse License and Bond and only issue receipts protected by such Bond are hereby exempted from and not required to comply with the provisions of this Act; provided, however, this section shall not apply to a warehouse that issues any receipt not protected by such Bond, except that in case a warehouseman is licensed under the United States Warehouse Act and issues receipts protected by the bond thereunder and also issues receipts not so protected, the provisions of this Act, excepting Section 11, shall apply only to such portions of his warehouse facilities as may not be operated under the United States Warehouse Act and/or to such products as may not be protected by the bond provided under said Act.

Sec. 4. Commissioner to Supervise. The Commissioner is authorized to and shall exercise general supervision over warehouses operating under provisions of this Act and every public warehouse and warehouseman in this State shall be subject to the supervision and control of the Commissioner in the manner provided herein. Such warehouseman shall keep or cause to be kept in each warehouse a complete record of all warehouse affairs, in a permanent form, showing all kinds and classes of commodities or personal property received, stored and/or shipped, stating weights and grades of grain where such weights and grades are required hereunder, except in the case of rice which records shall reveal the number of units and kinds of rice, the name of the owner or person depositing same or shipping same, also showing all warehouse receipts issued, surrendered or cancelled and any other information necessary to the proper conducts of such business. All records shall be kept on file and intact for one year

from the closing of any storage transaction.

The Commissioner shall examine or cause to be examined by duly authorized agent or agents, the records of such affairs of such warehouses at least twice each year and at such other times as may be necessary, because of complaints made or misconduct coming to the attention of the Commissioner from reputable sources. If, upon such examination of any such public warehouse or its reports or records, it is determined to be in an insolvent condition, or has exceeded its powers under this law or has failed to comply with any provisions of the law, the Commissioner or his authorized representative shall call such matters to the attention of the warehouseman in writing, specifying such violations or derelictions, explain the applicable provisions of this Chapter and the reasonable and lawful rules and regulations made in pursuance hereof. If the same is not corrected within a reasonable time not exceeding thirty (30) days after the receipt of such notice, the Commissioner shall report such matter to the District or County Attorney of the County in which the defaulting warehouse is located, and it shall thereupon become the duty of such District or County Attorney to take such action as the necessity of the case and the law requires; or such matter may be reported to the Attorney General and the case brought in Travis County; provided, however, if such irregularities are with reference to the bond herein required of a public warehouseman and the warehouseman fails to correct the same as herein provided, the Commissioner shall have the authority and it shall become his duty to forthwith revoke the license of said warehouseman and place in a prominent place on the premises being operated a notice stating that the warehouseman's license has been revoked by an order of the Commissioner.

The Commissioner shall be entitled to approve all the forms of receipts, certificates and records of whatever description necessary in the conduct of warehouse licenses under this Act, but such receipts, certificates and forms shall be drawn so as to include the provisions required by the Uniform Receipts Act, namely

Chapter 4, of Title 93, of the present Revised Civil Statutes of Texas, and all warehouse receipts issued by any warehouseman licensed under this Act shall state the weight of agricultural products stored in any warehouse by him, "except in the case of rice, in which event, there shall be issued a receipt showing the number of units and kinds of rice,"; provided, however, that in the case of rice every receipt shall state the number of units and kinds of rice stored whether requested by the depositor or not; provided, however, that every receipt issued for fungible agricultural products shall state the weight, grade and condition of such products; and provided further, that the warehouseman may insert in such receipt such other provisions desired, not in conflict with provisions of this Act and/or Chapter 4, Title 93, Revised Civil Statutes of Texas, 1925. All receipts approved by the Commissioner shall be of uniform character for the same class of business in each instance and shall state whether such agricultural products are insured or not. Block receipts conforming to the general form of receipts prescribed by the Commissioner may be issued by any warehouseman.

Sec. 5. Director and Warehouse Examiners. The Commissioner shall, from time to time, appoint a general director and such number of examiners as he may deem necessary to make proper and sufficient examination of all public warehouses operating under this Act, as comprehended in the preceding section. As full compensation for the performance of the duties of warehouse director and warehouse examiners so appointed, they shall be entitled to receive such pay or salary as the Commissioner may deem advisable not to exceed Three Thousand Dollars (\$3,000) per annum for warehouse director and Two Thousand Dollars (\$2,000) per annum for warehouse examiner together with all reasonably and necessary expenses of such inspectors or examiners. An itemized and sworn account of each expense shall be made by the examiners and presented to the Commissioner for his approval and unless approved by the Commissioner, shall have no binding effect. Before qualifying as an examiner,

such person so appointed shall first make and file with the Commissioner an affidavit that he will be fair and impartial in his examinations and make full, true and correct reports thereof; that he will not accept directly or indirectly any gift, pay or compensation for any services done in the line of his duty, other than the pay or salary fixed by law, and further, that he will not reveal the condition of any corporation, firm or person operating a public warehouse examined by him, or otherwise give out any information secured in the course of any examination made in the line of his duty, to anyone except the Commissioner or in compliance with the requirements of a judicial proceeding. Such examiner shall be subject to be employed and discharged by the Commissioner.

Sec. 6. Qualifications and Bond of Examiners. No examiner shall be appointed who is, at that time, an officer or stockholder in any warehouse company or corporation, or who owns any interest in any warehouse company. No such examiner shall be appointed receiver of any State Bonded Public Warehouse Company whose papers and affairs he shall have examined. Each such examiner shall give bond payable to the State of Texas in the sum of One Thousand Dollars (\$1,000.00). Said bond shall be made by any bonding company or association lawfully authorized to do a fidelity and surety business in the State of Texas.

Sec. 7. Duties of Warehouse Examiners. Warehouse examiners appointed by the Commissioner in compliance with this Act shall go over the premises of the warehouse when examining the same, and shall take note of the arrangement of the goods stored, accessibility to goods stored, and precaution against fire hazards by keeping the floors and surroundings clean. It shall also be the duty of such examiners to make such examination as is necessary to determine whether or not such public warehouse is being operated in compliance with this Act. The Examiners shall have the right of ingress and egress to and from the property of any warehouse during the business hours of any business day for the purpose of making such examination. It shall also be the duty of the examiners to satisfy themselves

that all commodities are in storage and intact for which receipts have been issued.

Sec. 8 Statement of Affairs. The Commissioner shall require each and every public warehouseman, during the month of January of each year, (or at the end of its fiscal year in the event such warehouse be incorporated,) to furnish him with an annual audit showing the condition of the reserve fund, assets and liabilities. Such reports shall be sworn to by the Manager of the Warehouse, and if such warehouse is a corporation such reports shall, in addition thereto be attested by its President or Secretary and Treasurer. The Commissioner may require special reports of a Public Warehouseman when the conditions of such warehouse seem to warrant such special report. All reports of the examiner and reports made by the warehouseman to the Commissioner shall remain on file in the office of the Commissioner and shall be confidential, and their contents shall not be divulged by any Commissioner or by any employee or examiner of the Commissioner unless required to do so by a court of competent jurisdiction, in a proceeding in which the State is a party involving the conduct of the warehouse to which such reports relate or the conduct of some officer or official of such warehouse.

Sec. 9. Examination Fees. Every public warehouseman immediately upon the effective date of this Act shall forward and pay to the Commissioner the inspection fees hereinafter provided and thereafter during the month of January of each year, (or at the end of each fiscal year, when said Annual Report is filed,) as hereinbefore provided shall forward and pay to the Commissioner an annual inspection fee as follows, to-wit: Any warehouse whose gross annual income from storage charges are less than One Thousand Dollars—Five Dollars (\$5.00); any warehouse whose gross annual income from storage charges is more than One Thousand and not exceeding Twenty-five Hundred Dollars—Ten Dollars (\$10.00); any warehouse whose gross annual income from storage charges is more than Twenty-five Hundred Dollars and not exceeding Ten Thousand Dollars —

Twenty Dollars (\$20.00); any warehouse whose gross annual income from storage charges is more than Ten Thousand Dollars and not exceeding Twenty-five Thousand Dollars—Twenty-five Dollars (\$25.00); any warehouse whose gross annual income from storage charges is more than Twenty-five Thousand Dollars and not exceeding Fifty Thousand Dollars — Thirty Dollars (\$30.00); any warehouse whose gross annual income from storage charges is more than Fifty Thousand Dollars and not exceeding One Hundred Thousand Dollars — Thirty-five Dollars (\$35.00); any warehouse whose gross annual income from storage charges is more than One Hundred Thousand Dollars and not exceeding Three Hundred and Fifty Thousand Dollars—Forty Dollars (\$40.00); any warehouse whose gross annual income from storage charges is more than Three Hundred and Fifty Thousand Dollars shall pay a fee of Fifty Dollars (\$50.00).

Sec. 10. All warehouse examination fees collected by the Commissioner as above set out shall be paid into the State Treasury and held in a fund to be known as "Warehouse Administration Fund," and so much thereof as is necessary is hereby specifically appropriated for the use of the Commissioner of Agriculture in the administration of this Act.

Sec. 11. Forced Liquidation. Whenever it comes to the knowledge of the Commissioner that any warehouseman is insolvent or any warehouseman or any official, manager or employee in the conduct of its business has been guilty of any mismanagement or fraudulent misconduct amounting to abuse of trust to the depositors of said warehouse, and such condition is not forthwith remedied and alleviated on the request of the Commissioner and a continued operation of such business is in the opinion of the Commissioner likely to result in loss to the depositors, it shall be the duty of the Commissioner to report such matter to the District or County Attorney, or the Attorney General who shall thereupon institute such proceeding as the nature of the case may require. A court of competent jurisdiction or judge thereof in term time or vacation, before whom such pro-

ceedings are instituted, shall have the power to make such orders as may be necessary to grant the relief required by the condition shown.

If such public warehouseman is insolvent the proceedings, among other things, shall be for the purpose of having a receiver appointed to take charge of such warehouse and liquidate its business and wind up its affairs for the benefit of its creditors and other interested parties. After the petition for such receivership has been filed, the Commissioner may appoint a special agent to take charge of any such insolvent public warehouse, until a receiver is appointed. The special agent so appointed shall qualify, give bond, and receive compensation the same as a regularly appointed warehouse examiner, such compensation to be paid out of the assets of such public warehouse as part of the cost of the receivership proceedings. In no case shall such public warehouse be managed by such specially appointed agent for a longer period than sixty (60) days.

Sec. 12. (a) No public warehouseman in this State shall receive grain of any kind for storage, and issue negotiable warehouse receipts therefor in excess of the storage capacity of warehouse operated by him, provided such warehouseman, or agent in charge thereof, shall be authorized to take grain for handling in excess of the storage capacity of such warehouse and with the written consent of the owner thereof and not otherwise when such grain is received by such warehouseman, or agent in charge thereof, store said grain in another warehouse licensed and bonded under this Act, or under United States Warehouse Act; provided, however, that the warehouseman, or his agent in charge thereof, who receives such grain for storage in another warehouse shall issue to the owner of such grain a written non-negotiable trust memorandum showing the grade and net weight of such grain, or in case of rice the number of units and kind of same; provided further that the warehouseman with whom it is stored shall be required to issue a warehouse receipt in due form to the owner thereof, as hereinafter provided.

The trust memorandum above provided for shall be made out in tripli-

cate and shall embody within its written or printed form the following:

(a) The date of the issuance of the trust memorandum.

(b) The name of the warehouse issuing same, and its location.

(c) The net weight together with the grade of such grain.

(d) The words "trust memorandum" and "not negotiable" shall be clearly printed or stamped thereon.

(e) The signature of the warehouseman, which may be made by either the warehouseman or a duly authorized agent for such person signing the same as agent, shall be prima facie proof of such agency.

(f) A statement of the amount of advances, if any, made to the depositor, and any other liabilities incurred by such depositor. But if, at the time of the issuance of such trust memorandum, the exact amount of the advances made or liabilities incurred by the depositor is unknown to the warehouseman or his agent who issues it, a statement of the facts that advances have been made, and liabilities incurred and the purpose thereof, will be sufficient.

The original copy of such trust memorandum shall be given to the depositor of the grain; a copy shall be retained by the warehouseman receiving the grain from the depositor, and one copy shall accompany each transfer of the grain until said grain reaches such warehouse as may be the final termination of such transfer; and on the last transfer mentioned herein, it shall be sufficient that said trust memorandum shall be stamped or have written on the back thereof that it was transferred to, giving the date of such transfer, and signed by the transferer or his agent.

It is expressly provided, however, that the warehouseman handling the grain, and issuing the trust memorandum, but not storing the same in his warehouse, shall nevertheless be liable to the owner for full value of the grain until the owner thereof receives a warehouse receipt from the warehouseman with whom the grain is stored.

Upon the receipt of the grain in the warehouse where it is finally stored, it shall be the duty of the operator of said warehouse to issue to the original depositor a ware-

house receipt in due form, provided, however, warehouse receipt may be issued to the depositor of the grain and the warehouseman who first received the grain from the depositor where such depositor is indebted to the warehouseman for advances or other legal charges against the grain, which receipt shall be returned to the warehouseman who received the grain from the depositor, to be delivered to such depositor upon payment by said depositor, or someone acting for him, of all legal charges incurred by such depositor in the handling of the grain so deposited.

(b) All Warehousemen engaged in the handling or sale of any other commodity than grain and field seeds shall keep an entirely separate account of their grain business and under no circumstances shall their grain account and other accounts be mixed.

(c) Warehousemen shall be held liable to the owner for the delivery of the kind, equivalent or better grade and net quantity of grain called for by said warehouse receipts; except, however, that in the case of rice, warehousemen shall only be held liable to the owner for the delivery of the number of units and kinds of rice called for by said receipts. All grain, other than rice, purchased or stored shall be graded by such Warehouseman in conformity with the official grade rules established by the Secretary of Agriculture of the United States under the Grain Standards Act.

(d) On the return and surrender of any warehouse receipt and payment of all lawful charges, the grain represented therein shall be deliverable to the owner, and shall not be subject to any further charge for storage after demand for delivery shall have been made and proper facilities for receiving and shipping the same have been provided. If not delivered within five days after such demand, and proper facilities have been provided, the Warehouseman shall be liable to the owner for the difference in market price, unless such Warehouseman shall deliver to different owners in the order demanded as rapidly as can be done by ordinary diligence. The owner of the warehouse receipt shall order the car or cars in which the

grain covered by his warehouse receipt is to be transported, and the grain shall be delivered immediately when the car so ordered is in proper condition for loading and placed at the warehouse.

(e) All grain delivered to a warehouse shall be considered for storage at the time of delivery unless arrangement shall have been made with such warehouseman prior to or at the time of delivery to apply the same on contract, for shipment on consignment or as sold.

Every Warehouseman, upon receiving grain into his warehouse, shall issue for each load of grain so received a uniform scale or weight ticket, and in the case of rice a uniform truck ticket showing the number of units and kinds of rice. Such ticket shall be bound in books of convenient size, shall be consecutively numbered and provision made in said book for at least one carbon copy of each ticket. One carbon copy of each ticket shall be retained in said book and shall remain as a permanent record. The original ticket shall be delivered to the person from whom the grain is received, upon receipt of each load of grain. All such tickets shall be signed by the Warehouseman, his agent or manager. Such tickets shall have printed across the face—"This is a memorandum, non-negotiable, possession of which does not signify that settlement has or has not been consummated." Such tickets shall state specifically whether such grain is received on contract, for storage, or for shipment on consignment, or sold. If such grain is received on contract or sold the price shall be indicated on such ticket; provided when the delivery of such grain has been completed or when the owner of the grain requests, the warehouseman shall take up such scale ticket and issue in lieu thereof a warehouse receipt for such grain stored in the warehouse operated by such warehouseman, or a trust memorandum when such grain is stored in another warehouse.

Sec. 13. Nothing in this Act shall serve to deny to any person, firm, partnership or association of persons the right of access to the courts in the enforcement of any contract with any warehouse, within this state, providing such contract con-

tains no provisions in conflict with the requirements of this Act, nor shall the courts deny protection to any person, firm, partnership, or association of persons dealing in good faith with such commodities or personal property in the hand of any warehouse whether, in either instance, such warehouse is public or private, licensed or unlicensed.

Sec. 14. Penalty for Violations of Act.

(a) Any person who as owner, part owner, proprietor, manager or agent who operates, or any person who as officer or agent of any person, firm, corporation or association who assists, aids or abets in the operation of a warehouse for storage of commodities for hire as herein defined, without first having received a license from the Commissioner to do so, or who, in any manner fails to comply with any provisions of this Act or any lawful regulation of the Commissioner issued under the provisions of this Act, or who in violation of the provisions of this Act and/or Chapter 4, Title 93, Revised Civil Statutes of 1925, shall fail or refuse to make delivery of any grain or any other commodity when required to do so under said provisions, or in violation of any provisions of this Act and/or of Chapter 4, Title 93, Revised Civil Statutes of 1925, shall wrongfully sell or dispose of or convert to his own use any grain or other commodity stored with such warehouseman, shall be deemed guilty of violating the provisions of this Act and the requirements and regulations of the Commissioner, and shall be subject to a penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00) and costs, to be forfeited to the State of Texas, and paid into the General Revenue Fund of the State Treasury, and to be collected in a civil action in a court of competent jurisdiction in the county where such warehouse is located, instituted by the County or District Attorney at the request of the Commissioner. Such action may be brought in the District Court in Travis County, instituted by the Attorney General. Each such violation shall constitute a separate offense. The forfeitures and penalties herein provided shall not be deemed to be exclusive, and offenders against any

provisions of this Act may be prosecuted in criminal actions as hereinafter provided or as is now provided by law; providing, however, the filing of criminal charges or the securing of convictions therein shall not be a prerequisite to a suit to recover the civil penalties provided herein.

(b) Any person who as owner, part owner, proprietor, manager or agent who operates, or any person who as officer or agent of any person, firm, corporation or association who assists, aids or abets in the operation of any public warehouse without making bond as required by this Act or which is not duly licensed by the Commissioner to operate as a public warehouse as herein provided, or fails to comply with any provision of this Act or any lawful regulation or requirement of the Commissioner made or issued pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in the sum of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00) or by imprisonment in the county jail for six months or both such fine and imprisonment.

Sec. 15. Constitutional Section. If any part of this Act should be held unconstitutional or inoperative by any court, such holding shall not in any way affect any remaining part of this Act; and shall not render such other part or section unconstitutional or inoperative, but each remaining section or part of this Act shall continue to operate in full force and effect.

Sec. 16. Repealing Section. That Chapters 1, 2, and 3, and Article 5661, and subsection 10, Article 5613 of Title 93, of the Revised Civil Statutes of 1925 of the State of Texas, Senate Bill 34, Acts of the Second Called Session, Forty-second Legislature, and any other laws in conflict be, and the same are hereby expressly repealed.

Sec. 17. Emergency and Enacting Clause. The fact that the existing laws regulating public warehouses are inadequate to meet the requirements of commerce, and to properly safeguard the handling of goods and products stored in such warehouse, creates an emergency and an imperative public necessity that the consti-

tutional rule requiring bills to be read on three several days in each House be suspended, said rule is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Tarwater offered the following amendments to the committee amendment:

Amend amendment for House Bill No. 397, by striking out that part of Section 1 defining "warehouse," lines 10 to 21, inclusive on page 1, and substituting in lieu thereof the following:

"Section 1. Public Warehouse and Warehouseman. The term, "warehouse" as used in this Act shall mean any building, house, structure, compartment, room, protected enclosure, or two or more of the foregoing that are contiguous and under same management, when deemed suitable for storage in the opinion of the Commissioner; in which any cotton, wheat, rice, oats, rye, field seed, or any other kind of grain or grain products or produce, wares or merchandise, household goods or any personal property may be stored for hire, as that term is defined in this Act; provided, however, that all storage places for automobiles only, where automobiles are taken for daily storage, commonly known as automobile garages, and freight and/or express depots handling freight incident to immediate transfer or delivery, shall be excluded from all provisions of this Act."

Amend amendment for House Bill 397, on page 7, lines 6 and 7, by striking out the words "stored in any warehouse by him" and insert in lieu thereof the following:

"as provided in this Act, and/or upon the request of the depositor,"

Amend amendment for House Bill 397, on page 3, line 16, after the word "per" by striking out the word "bushel" and substitute in lieu thereof the word "barrel."

Amend amendment for House Bill No. 397 on page 3, line 17, by striking out the words "bushels or."

The amendments were severally adopted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 397 by striking

out all of lines "8" through the period on line "21" page 3, and inserting in lieu thereof the following:

"Five Thousand (\$5,000.00) Dollars for each fifty thousand (50,000) gross square feet or fraction thereof operated by a warehouse man; provided, however, the amount of said bond for cotton or grain warehouses shall be fixed at the rate of Five (\$5.00) Dollars per bale on cotton and five (.05) cents per bushel on grain on the maximum number of bales or bushels that said warehouses will accommodate when stored in the manner customary to each of such warehouses for which such bond is required, except in the case of rice the bond shall be fixed at the rate of fifteen (.15) cents per barrel on the maximum number of barrels that said warehouses will accommodate when stored in the manner customary to each of such warehouses for which such bond is required; provided, however, that in no event shall a bond required for warehouses be less than Five Thousand (\$5,000.00) Dollars nor more than Fifty Thousand (\$50,000.00) Dollars."

The amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 397 was then passed to engrossment.

HOUSE BILL NO. 397 ON THIRD READING

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 397 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Allen	Bradford
Allison	Bray
Bailey	Bridgers
Baker	Broadfoot
of Fort Bend	Brown of Cherokee
Baker of Grayson	Brown
Blankenship	of Nacogdoches
Bond	Bundy
Boyd	Burkett
Boyer	Burney
Bradbury	Cauthorn

Chambers	McDaniel
Clark	McDonald
Cleveland	McFarland
Cockrell	McNamara
Cornett	Monkhouse
Corry	Montgomery
Crossley	Newell
Daniel	Nicholson
Davis of Jasper	Oliver
Dean	Pevehouse
Derden	Pope
Dickison	Ragsdale
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Fuchs	Rhodes
Galbreath	Riviere
Gilmer	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Schuenemann
Hardeman	Segrist
Hardin	Shell
Harp	Skiles
Harper	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
Harrell of Lamar	Smith
Harris	of Matagorda
Hartzog	Spencer
Heflin	Stinson
Holland	Stoll
Howington	Talbert
Hull	Tarwater
Hunt	Taylor
Isaacks	Tennant
Johnson of Ellis	Thornberry
Johnson of Tarrant	Thornton
Kennedy	Turner
Kern	Vale
Kersey	Vint
Kinard	Voigt
King	Waggoner
Langdon	Weldon
Lehman	Westbrook
Leyendecker	White
Little	Wilson
Lock	Wood
London	Worley
McAlister	Wright

Nays—5

Bell	Morris
Kerr	Piner
Mohrmann	

Absent

Alsup	Dwyer
Celaya	Goodman
Colquitt	Leonard
Colson, Mrs.	Loggins
Davis of Upshur	Mays
Dickson	McMurry
Donaghey	Pace

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

The Speaker then laid House Bill No. 397 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—115

Allen	Harris
Allison	Heflin
Alsup	Holland
Bailey	Howington
Baker	Hunt
of Fort Bend	Isaacks
Baker of Grayson	Johnson of Ellis
Blankenship	Kennedy
Bond	Kern
Boyd	King
Boyer	Langdon
Bradbury	Lehman
Bradford	Leonard
Bray	Leyendecker
Brown of Cherokee	Little
Brown	London
of Nacogdoches	Mays
Bundy	McAlister
Burkett	McDaniel
Burney	McDonald
Cauthorn	McFarland
Chambers	McNamara
Clark	Monkhouse
Cleveland	Montgomery
Cockrell	Newell
Colquitt	Nicholson
Colson, Mrs.	Oliver
Cornett	Pevehouse
Crossley	Pope
Davis of Jasper	Ragsdale
Davis of Upshur	Reader of Bexar
Dean	Reader of Erath
Dickison	Reaves
Donaghey	Reed
Faulkner	Rhodes
Felty	Riviere
Ferguson	Roach
Fuchs	Roberts
Galbreath	Robinson
Gilmer	Russell
Goodman	Schuenemann
Gordon, Mrs.	Segrist
Hale	Shell
Hamilton	Skiles
Hankamer	Smith of Frio
Hardeman	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson

Stoll	Voigt
Talbert	Waggoner
Tarwater	Weldon
Tennant	Westbrook
Thornberry	White
Thornton	Wilson
Turner	Wood
Vale	Worley
Vint	Wright

Nays—11

Bell	Kersey
Broadfoot	Mohrmann
Corry	Morris
Harrell of Lamar	Piner
Johnson of Tarrant	Taylor
Kerr	

Absent

Bridgers	Hartzog
Celaya	Hull
Daniel	Kinard
Derden	Lock
Dickson	Loggins
Dwyer	McMurry
Fielden	Pace

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Mr. Hankamer moved to reconsider the vote by which House Bill No. 397 was passed.

Mr. Tarwater moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote by which House Bill No. 397 was passed, it prevailed.

Question—Shall House Bill No. 397 be passed?

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 397, by striking out all of line 11 on page 10, after the word "Fund," and lines 12 and 13, and insert in lieu thereof, the following:

"provided that no expenditures shall be made from said fund except under authority of the Legislature as set forth in the General Appropriation Bill; provided further that no appropriation shall ever be made out of the General Revenue Fund for the purpose

of administering this Act or any provision thereof."

THORNTON,
WOOD,
HANKAMER,
TAYLOR.

The amendment was unanimously adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 397 was then passed by the following vote:

Yeas—115

Allen	Hardin
Allison	Harp
Alsup	Harper
Bailey	Harrell of Bastrop
Baker	Harrell of Lamar
of Fort Bend	Harris
Baker of Grayson	Hartzog
Blankenship	Heflin
Bond	Holland
Boyd	Howington
Boyer	Hull
Bradbury	Hunt
Bradford	Isaacks
Bray	Johnson of Ellis
Bridgers	Kennedy
Broadfoot	Kern
Brown of Cherokee	Kersey
Brown	King
of Nacogdoches	Langdon
Bundy	Lehman
Burkett	Leyendecker
Burney	Lock
Cauthorn	London
Chambers	McAlister
Clark	McDaniel
Cleveland	McDonald
Cockrell	McFarland
Colquitt	McMurry
Colson, Mrs.	McNamara
Cornett	Monkhouse
Crossley	Montgomery
Daniel	Newell
Davis of Upshur	Oliver
Dean	Pevehouse
Derden	Pope
Dickison	Ragsdale
Donaghey	Reader of Bexar
Faulkner	Reader of Erath
Felty	Reaves
Ferguson	Reed
Fuchs	Rhodes
Galbreath	Riviere
Gilmer	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hardeman	Segrist

Shell	Thornberry
Skiles	Thornton
Smith of Frio	Turner
Smith of Hopkins	Vale
Smith	Vint
of Matagorda	Voigt
Spencer	Waggoner
Stinson	Weldon
Stoll	White
Talbert	Wilson
Tarwater	Wood
Tennant	Worley

Nays—11

Bell	Mohrmann
Corry	Morris
Dickson	Piner
Hankamer	Schuenemann
Johnson of Tarrant	Taylor
Kerr	

Absent

Celaya	Little
Davis of Jasper	Loggins
Dwyer	Mays
Fielden	Nicholson
Goodman	Pace
Kinard	Westbrook
Leonard	Wright

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

**APPOINTMENT OF CONFERENCE COMMITTEE ON
HOUSE BILL
NO. 813**

The Speaker announced the appointment of the following Conference Committee on House Bill No. 813: Messrs. Burney, Reader of Erath, Russell, Bailey and Langdon.

**CONCERNING HOUSE SIMPLE
RESOLUTION NO. 212**

Mr. Leonard asked unanimous consent of the House that House Simple Resolution No. 212, be amended so as to provide for a committee of "seven" Members instead of a committee of "five" Members.

There was no objection offered, and it was so ordered.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

To The Members of the Forty-sixth Legislature:

I am vetoing and disapproving House Bill No. 806, by Ragsdale, which is an Act providing for and fixing compensation for County Auditors in certain counties.

Inasmuch as this is a special bill applying to only one county and as the author has requested that I veto this bill, I am following his recommendation and returning it to you with my disapproval.

This House Bill No. 806 not having reached my desk before the end of the Session of the Legislature in which it was passed, pursuant to the Constitution, I am filing a proclamation attached to the bill with the Secretary of State.

W. LEE O'DANIEL,
Governor of Texas.

April 7, 1939.

**HOUSE BILL NO. 151 ON SECOND
READING**

On motion of Mr. Weldon, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 151.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 151, A bill to be entitled "An Act to license and regulate persons engaging in the business of constructing, reconstructing, repairing, altering, installing or adjusting weights, scales or weighing devices; providing for registration fees and for examinations of applicants for licenses; providing for issuance of renewal licenses on payment of renewal fees; providing that a firm, partnership, corporation, company or association may engage in the business of scale repairman in this State, provided such business is carried on by only scale repairmen licensed and registered in this State; providing for the keeping of certain records and the making of certain reports by licensees; providing for the promulgation of rules and regulations for the enforcement of the Act not inconsistent therewith by the Commissioner of Agriculture; providing for the revocation and suspension of licenses; providing certain exemptions; providing penalties for the violation thereof and repealing all laws in conflict."

The bill was read second time.

Mr. Colquitt moved to postpone further consideration of House Bill No. 151 until 10:30 o'clock a. m., next Friday.

Mr. Mays moved to table the motion to postpone.

The motion to table prevailed.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 151, by striking out the words "and so" on page 5, line 20 and all of lines 21, 22 and 23, and inserting in lieu thereof, the following:

"and said funds shall only be expended under the authority of the Legislature as designated in the General Appropriation Bill; provided that no appropriation shall ever be made out of the General Revenue Fund for the purpose of the administering of this Act or any of the provisions thereof."

THORNTON,
HANKAMER,
WOOD.

The amendment was adopted.

Mr. McNamara offered the following amendment to the bill:

Amend House Bill No. 151, by striking out on page 4, Section 11, lines 28 through line 34.

The amendment was adopted.

Mr. Kersey offered the following amendment to the bill:

Amend House Bill No. 151, page 5, Section 14, line 17, by striking out the words and figures "Five (\$5.00)," and inserting in lieu thereof, the words and figures "Two (\$2.00) per annum."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 151 was then passed to engrossment.

HOUSE BILL NO. 151 ON THIRD READING

Mr. Weldon moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 151 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Allison

Alsup

Bailey	Johnson of Ellis
Baker	Johnson of Tarrant
of Fort Bend	Kennedy
Baker of Grayson	Kern
Bell	Kerr
Blankenship	Kersey
Bond	King
Boyd	Langdon
Boyer	Lehman
Bradbury	Leonard
Bradford	Leyendecker
Bray	Little
Bridgers	Lock
Brown of Cherokee	Loggins
Brown	London
of Nacogdoches	Mays
Bundy	McAlister
Burkett	McDaniel
Burney	McDonald
Cauthorn	McFarland
Chambers	McMurry
Clark	Monkhouse
Cleveland	Montgomery
Cockrell	Morris
Colson, Mrs.	Newell
Cornett	Oliver
Corry	Pevehouse
Crossley	Pope
Daniel	Ragsdale
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Dean	Rhodes
Derden	Riviere
Dickison	Roach
Dickson	Roberts
Donaghey	Robinson
Faulkner	Russell
Ferguson	Segrist
Fielden	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Smith
Gilmer	of Matagorda
Goodman	Spencer
Gordon, Mrs.	Stinson
Hale	Talbert
Hamilton	Tarwater
Hankamer	Taylor
Hardeman	Tennant
Hardin	Thornberry
Harp	Thornton
Harper	Turner
Harrell of Bastrop	Vale
Harris	Vint
Hartzog	Voigt
Heflin	Weldon
Holland	White
Howington	Wood
Hull	Worley
Hunt	Wright
Isaacks	

Nays—8

Broadfoot
Colquitt

McNamara
Mohrmann

Nicholson
Skiles

Waggoner
Wilson

Absent

Allen
Celaya
Dwyer
Felty
Harrell of Lamar
Kinard
Pace

Piner
Reader of Bexar
Reed
Schuenemann
Shell
Stoll
Westbrook

Absent—Excused

Anderson
Coleman
Dowell
Howard

Keith
Petsch
Wells
Winfree

The Speaker then laid House Bill No. 151 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—115

Allen	Faulkner
Allison	Felty
Alsup	Ferguson
Bailey	Fielden
Baker	Fuchs
of Fort Bend	Galbreath
Baker of Grayson	Gilmer
Bell	Goodman
Blankenship	Gordon, Mrs.
Bond	Hale
Boyd	Hamilton
Boyer	Hankamer
Bradbury	Hardin
Bradford	Harp
Bray	Harper
Bridgers	Harrell of Lamar
Brown of Cherokee	Harris
Brown	Heflin
of Nacogdoches	Holland
Bundy	Howington
Burkett	Hull
Burney	Hunt
Cauthorn	Isaacks
Chambers	Johnson of Ellis
Clark	Johnson of Tarrant
Cleveland	Kennedy
Cockrell	Kern
Colson, Mrs.	Kersey
Cornett	Kinard
Crossley	King
Daniel	Langdon
Davis of Jasper	Lehman
Davis of Upshur	Leonard
Dean	Leyendecker
Derden	Little
Dickison	Lock
Dickson	Loggins
Donaghey	London

Mays	Skiles
McAlister	Smith of Frio
McDaniel	Smith of Hopkins
McFarland	Smith
McMurry	of Matagorda
Montgomery	Spencer
Morris	Stinson
Newell	Stoll
Oliver	Talbert
Pevehouse	Tarwater
Pope	Taylor
Reader of Erath	Tennant
Reaves	Thornberry
Reed	Turner
Rhodes	Vale
Riviere	Vint
Roach	Voigt
Roberts	Weldon
Robinson	Westbrook
Russell	Wood
Segrist	Wright

Nays—11

Broadfoot	Mohrmann
Colquitt	Nicholson
Harrell of Bastrop	Waggoner
Kerr	Wilson
McDonald	Worley
McNamara	

Absent

Celaya	Piner
Corry	Ragsdale
Dwyer	Reader of Bexar
Hardeman	Schuenemann
Hartzog	Shell
Monkhouse	Thornton
Pace	White

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

HOUSE BILL NO. 562 ON SECOND READING

Mr. Hardeman (on Mr. Gilmer's suspension request) moved that the regular order of business be suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 562.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 562, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commis-

sion for additional support and maintenance of the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1939, to recover the office expenses, traveling expenses, indemnity bangs reactor to cattle and goat owners. Of law enforcement, salaries of Inspectors providing for the regulations for which appropriations shall be expended and under which such Inspectors shall be employed, and declaring an emergency."

The bill was read second time.

Mr. Tennant raised a point of order on further consideration of House Bill No. 562, at this time, on the ground that a similar measure has heretofore been defeated.

The Speaker overruled the point of order.

Mr. Westbrook offered the following amendment to the bill:

Amend House Bill No. 562 by striking out line 3, on page 2 of the printed copy of the bill.

Mr. Hamilton moved that further consideration of House Bill No. 562 be postponed until next April 21.

Mr. Hardeman moved to table the motion to postpone.

The motion to table prevailed.

Mr. Hardeman moved to table the amendment by Mr. Westbrook.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—75

Allison	Dickison
Baker	Dickson
of Fort Bend	Donaghey
Baker of Grayson	Dwyer
Bell	Fuchs
Blankenship	Gilmer
Boyd	Goodman
Boyer	Gordon, Mrs.
Bradford	Hardeman
Bray	Hardin
Bridgers	Harp
Brown of Cherokee	Harper
Brown	Harris
of Nacogdoches	Heflin
Cauthorn	Hull
Clark	Isaacks
Colquitt	Johnson of Ellis
Daniel	Johnson of Tarrant
Davis of Upshur	Kerr
Dean	Kinard

King
Langdon
Leonard
Little
Loggins
London
McAlister
McDaniel
McFarland
McMurry
Mohrmann
Monkhouse
Montgomery
Newell
Nicholson
Pevehouse
Piner
Pope
Ragsdale

Reader of Erath
Reaves
Rhodes
Riviere
Roberts
Robinson
Russell
Skiles
Smith of Frio
Smith
of Matagorda
Stinson
Talbert
Tarwater
Turner
Vale
Vint
Worley
Wright

Nays—52

Allen	Kennedy
Bailey	Kern
Bond	Kersey
Bradbury	Lehman
Broadfoot	Leyendecker
Bundy	Lock
Burkett	McDonald
Burney	McNamara
Chambers	Oliver
Cleveland	Reed
Cockrell	Roach
Cornett	Segrist
Corry	Smith of Hopkins
Crossley	Spencer
Davis of Jasper	Stoll
Faulkner	Taylor
Felty	Tennant
Ferguson	Thornberry
Fielden	Thornton
Galbreath	Voigt
Hale	Waggoner
Hamilton	Weldon
Hankamer	Westbrook
Holland	White
Howington	Wilson
Hunt	Wood

Absent

Alsup	Mays
Celaya	Morris
Colson, Mrs.	Pace
Derden	Petsch
Dowell	Reader of Bexar
Harrell of Bastrop	Schuenemann
Harrell of Lamar	Shell
Hartzog	

Absent—Excused

Anderson	Keith
Coleman	Wells
Howard	Winfree

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 562 by striking out line 5, on page 2 of printed bill.

The amendment was adopted.

Mr. Smith of Hopkins offered the following amendment to the bill:

Amend House Bill No. 562 after Sec. 2 by adding the following section:

"There is hereby appropriated the sum of Three Thousand (\$3,000.00) Dollars to be expended under supervision of State Department of Agriculture, for the eradication of sweet potato weevil."

Mr. Hardeman raised a point of order on consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 562 by adding a new section to be known as Sec. 2a to read as follows:

"That all officials and employees affected by this Act and who travel on official state business and who uses his own car shall be entitled to be reimbursed for the use of said car and all operating expenses thereof at the rate of four (4) cents per mile for the actual mileage traveled by the shortest practical route between the point of origin and the point of destination and return. Before the Comptroller shall issue any such warrant for reimbursement the said officer or employee shall file an affidavit with the Comptroller showing the point of origin and the point of destination of his trip and the mileage actually traveled. If the Comptroller is of the opinion that said officer or employee did not take the shortest practical route to the point of destination and return the Comptroller shall have authority to compute the mileage of the shortest practical route between the point of origin and destination and return, and he shall issue his warrant in reimbursement therefor on this basis of the rate of four (4) cents per mile."

Mr. Wood offered the following substitute for the amendment by Mr. Alsup:

Amend Alsup amendment by chang-

ing the words and figures 4 cents to 3 cents.

On motion of Mr. Hardeman the substitute amendment by Mr. Wood was tabled.

Question then recurring on the amendment by Mr. Alsup, it was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 562, by adding a new Section, and known as Section 2A and to read, as follows:

"Section 2A. None of the money herein appropriated shall be used for the payment of salaries and expenses of the personnel of the Commission engaged in tick eradication work if any other funds, Federal or otherwise, are available for said purpose."

THORNTON,
HANKAMER,
HAMILTON,
ALSUP.

The amendment was adopted.

Mr. Hardeman moved to reconsider the vote by which the amendment by Mr. Thornton was adopted.

Mr. Thornton moved to table the motion to reconsider.

The motion to table prevailed.

Mr. Lock moved the previous question on the engrossment of House Bill No. 562, and the main question was ordered.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House bill No. 562 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO 562 ON THIRD READING

Mr. Hardeman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 562 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—103

Allen
Allison
Alsup
Bailey

Baker
of Fort Bend
Baker of Grayson
Bell

Blankenship	Lehman
Bond	Leonard
Boyd	Leyendecker
Boyer	Little
Bradbury	Lock
Bradford	Loggins
Bray	Mays
Bridgers	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McFarland
Brown	McMurry
of Nacogdoches	Mohrmann
Bundy	Monkhouse
Burkett	Montgomery
Cauthorn	Newell
Chambers	Nicholson
Clark	Oliver
Cockrell	Petsch
Crossley	Pevehouse
Davis of Upshur	Piner
Dickison	Pope
Dickson	Ragsdale
Donaghey	Reader of Erath
Dwyer	Reaves
Fielden	Rhodes
Fuchs	Riviere
Galbreath	Roach
Gilmer	Roberts
Goodman	Robinson
Gordon, Mrs.	Russell
Hardeman	Schuenemann
Hardin	Shell
Harp	Skiles
Harper	Smith of Frio
Harrell of Lamar	Smith of Hopkins
Harris	Smith
Heflin	of Matagorda
Holland	Spencer
Howington	Stinson
Hull	Tarwater
Hunt	Thornberry
Isaacks	Turner
Johnson of Ellis	Vale
Johnson of Tarrant	Vint
Kennedy	Weldon
Kern	Westbrook
Kerr	White
Kinard	Worley
King	Wright

Nays—30

Burney	Hamilton
Cleveland	Hankamer
Colquitt	Kersey
Colson, Mrs.	Langdon
Cornett	London
Corry	McDonald
Daniel	McNamara
Davis of Jasper	Morris
Dean	Reed
Derden	Segrist
Faulkner	Stoll
Felty	Taylor
Ferguson	Tennant

Thornton	Wilson
Waggoner	Wood
	Absent
Celaya	Pace
Hale	Reader of Bexar
Harrell of Bastrop	Talbert
Hartzog	Voigt
Howard	

Absent—Excused

Anderson	Keith
Coleman	Wells
Dowell	Winfree

HOUSE BILL NO. 821 ON SECOND READING

Mr. Mays moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 821.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 821, A bill to be entitled "An Act to provide for, legalize, regulate and license the operation of billiard or pocket billiard establishments in the State of Texas; providing for the application to and the issuance of licenses by the State Comptroller of Public Accounts; providing an annual occupation tax; providing that the licensee must be the actual owner of such establishment; providing for the disposition of revenue derived hereunder; prohibiting gaming; prohibiting the sale or dispensation of whiskey, beer or wine; prohibiting the admittance of minors; providing for the revocation of licenses in certain instances; prohibiting the obstruction of the front of such establishment; providing certain restrictions for employees; providing certain qualifications for a licensee; prohibiting the use of certain terms; providing for the application and issuance of a temporary injunction; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

(Mr. Thornton in the Chair.)

Mr. Johnson of Tarrant offered the following amendment to the bill:

Amend House Bill No. 821, by striking out all of Section 6 thereof.

JOHNSON of Tarrant,
REED,
BAKER.

On motion of Mr. Mays, the amendment was tabled.

(Speaker in the Chair.)

Mr. Derden offered the following amendment to the bill:

Amend House Bill No. 821, by striking out Section 7.

The amendment was adopted.

Mr. McAlister offered the following amendment to the bill:

Amend House Bill No. 821, page 1, Section 1, by striking out the words, "be it," in line 35 and by striking the words, "or not," in line 36, and by adding after the word "prescribed" in line 39, the following:

"Provided that the terms of this Act shall not apply to Young Men's Christian Associations, fraternal organizations or lodges or fire station halls maintained by any political subdivision of this State."

The amendment was adopted.

Mr. Kern offered the following amendment to the bill:

Amend House Bill No. 821, by adding a new Section to be known as Section 1a, to read as follows:

"Before the provisions of this bill shall become effective in any county, there must be an election called by the Commissioners' Court and in said election a majority of the voters of said County must vote for the legalization of pool halls."

Mr. Alsup raised a point of order, on consideration of the amendment, on the ground that the amendment violates certain constitutional provisions.

The Speaker overruled the point of order.

On motion of Mr. Mays, the amendment by Mr. Kern was tabled.

Mr. Isaacks offered the following amendment to the bill:

Amend House Bill No. 821 by striking out Section 12 thereof.

The amendment was adopted.

Mr. Faulkner offered the following amendment to the bill:

Amend House Bill No. 821, by adding a new Section to be known as Section 15a, to read as follows:

"This Act shall be applied to establishments known as bowling alleys or to any establishment where bowling takes place, and a tax shall be levied at the rate of \$50.00 an alley."

Mr. Mays raised a point of order,

on consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Boyer offered the following amendment to the bill:

Amend House Bill No. 821, by striking out the words in Section 13, "or to any District Judge of Travis County."

Mr. Hamilton moved the previous question on the amendment by Mr. Boyer, and the engrossment of House Bill No. 821, and the main question was ordered.

Question recurring on the amendment by Mr. Boyer, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Question recurring on the engrossment of House Bill No. 821, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 63; Nays, 62.

A verification of the vote was requested.

Mr. Kersey moved a call of the House pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—57

Baker	Hankamer
of Fort Bend	Hardeman
Bell	Harper
Blankenship	Hartzog
Bond	Heflin
Bradford	Holland
Bridgers	Hunt
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Bundy	Kersey
Burney	Kinard
Cauthorn	Lehman
Cockrell	Leonard
Colquitt	Leyendecker
Corry	Mays
Dean	McAlister
Donaghey	McDaniel
Dwyer	McFarland
Faulkner	McMurry
Ferguson	Montgomery
Fielden	Nicholson
Fuchs	Petsch
Goodman	Pevehouse

Pope	Stoll
Riviere	Taylor
Schuenemann	Tennant
Segrist	Thornton
Shell	Vale
Smith	Voigt
of Matagorda	Waggoner

Nays—66

Allen	Kerr
Allison	King
Alsup	Langdon
Bailey	Lock
Boyd	London
Boyer	McDonald
Bradbury	McNamara
Broadfoot	Mohrmann
Brown of Cherokee	Morris
Burkett	Newell
Chambers	Oliver
Clark	Reader of Erath
Cleveland	Reaves
Colson, Mrs.	Reed
Cornett	Roach
Crossley	Roberts
Daniel	Robinson
Davis of Jasper	Russell
Davis of Upshur	Skiles
Derden	Smith of Hopkins
Dickison	Spencer
Felty	Stinson
Galbreath	Tarwater
Gilmer	Thornberry
Gordon, Mrs.	Turner
Hale	Vint
Hamilton	Weldon
Harp	Westbrook
Harrell of Lamar	White
Harris	Wilson
Howington	Wood
Kennedy	Worley
Kern	Wright

Present—Not Voting

Isaacks

Absent

Baker of Grayson	Loggins
Bray	Monkhouse
Celaya	Pace
Dickson	Piner
Hardin	Ragsdale
Harrell of Bastrop	Reader of Bexar
Howard	Rhodes
Hull	Smith of Frio
Little	Talbert

Absent—Excused

Anderson	Keith
Coleman	Wells
Dowell	Winfree

The Speaker announced that House Bill No. 821 failed to pass to engrossment.

Mr. Russell moved to reconsider the vote by which House Bill No. 821 failed to pass to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and anys were demanded.

The roll of the House was called and the vote announced, as follows—Yeas, 62; Nays, 62.

A verification of the vote was requested.

Mr. Fielden moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and verified vote resulted, as follows:

Yeas—62

Allen	Hunt
Allison	Kennedy
Alsup	Kern
Bailey	Kersey
Boyd	King
Bradbury	Langdon
Broadfoot	Lock
Brown of Cherokee	London
Brown	McDonald
of Nacogdoches	Morris
Bundy	Newell
Burkett	Pevehouse
Chambers	Piner
Cleveland	Reader of Erath
Colson, Mrs.	Reaves
Cornett	Reed
Crossley	Rhodes
Daniel	Roach
Davis of Jasper	Roberts
Davis of Upshur	Robinson
Derden	Russell
Dickison	Skiles
Ferguson	Smith of Hopkins
Galbreath	Stinson
Gilmer	Tarwater
Hale	Thornberry
Hamilton	Turner
Harp	Vint
Harper	White
Harrell of Lamar	Wood
Harris	Worley
Howington	

Nays—58

Baker	Bradford
of Fort Bend	Bridgers
Bell	Burney
Blankenship	Cauthorn
Bond	Clark
Boyer	Cockrell

Dean	McFarland
Donaghey	McMurry
Dwyer	McNamara
Faulkner	Mohrmann
Fielden	Montgomery
Fuchs	Nicholson
Gordon, Mrs.	Petsch
Hankamer	Pope
Hardeman	Riviere
Hartzog	Schuenemann
Heflin	Segrist
Holland	Shell
Isaacks	Smith
Johnson of Ellis	of Matagorda
Johnson of Tarrant	Spencer
Kerr	Stoll
Kinard	Taylor
Lehman	Thornton
Leonard	Vale
Leyendecker	Voigt
Loggins	Waggoner
Mays	Weldon
McAlister	Wilson
McDaniel	Wright

Present—Not Voting

Colquitt

Absent

Baker of Grayson	Little
Bray	Monkhouse
Celaya	Oliver
Corry	Pace
Dickson	Ragsdale
Felty	Reader of Bexar
Goodman	Smith of Frio
Hardin	Talbert
Harrell of Bastrop	Tennant
Hull	Westbrook

Absent—Excused

Anderson	Keith
Coleman	Wells
Dowell	Winfree
Howard	

The Speaker announced that the motion to table the motion to table prevailed.

HOUSE BILL NO. 706 ON SECOND READING

On motion of Mr. Fuchs, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 706.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 706, A bill to be entitled "An Act to regulate the taking of

bullfrogs; providing a penalty, and declaring an emergency."

The bill was read second time.

Mr. Anderson offered the following amendment to the bill:

Amend House Bill No. 706, line 15, by inserting after the words "or more" the following:

"from the tip of the nose to the end of the body."

The amendment was adopted.

Mr. Kinard offered the following amendment to the bill:

Amend House Bill No. 706 by adding the following at the end of section:

"Provided that nothing herein contained shall apply to persons who engage in the business of raising frogs from taking frogs from their own hatcheries or frog farms."

The amendment was adopted.

Mr. Davis of Upshur moved to table House Bill No. 706.

The motion to table was lost.

Mr. Corry moved a call of the House for the purpose of maintaining a quorum and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill 706 by providing that the provisions of this act shall not apply to Panola County.

By unanimous consent of the House the following amendment to the amendment by Mr. Alsup was adopted:

"Amend Alsup amendment by adding the following counties: Hays, Caldwell, Milam, Burleson, Lee, Marion, Donley, Gray, Wheeler, Collingsworth, Red River, Hill, Lampasas, San Saba, McCulloch, Jasper, Newton, Cameron, Webb, Zapata, Hidalgo, Liberty, Hardin, Cherokee, Wichita, Dallas, Fannin, Chambers, Ellis, Jefferson, Orange, Dickens, Kent, Stonewall, Garza, Borden, Scurry, Harris, Tom Green, Irion, Reagan, Sterling, Glasscock, Howard, Brazos, Grimes, Montgomery, Armstrong, Carson, Deaf Smith, Oldham, Potter, Randall, Hood, Erath, Bandera, Crockett, Edwards, Kerr, Kimble, Mason, Menard, Real, Schleicher, Sutton, Hardeman, Foard, King, Knox, Van Zandt, San Patricio, Refugio, Bee, Aransas, Rusk, Coke,

Runnells, Concho, Walker, San Jacinto, Wilbarger, Brown, Coleman, Andrews, Crane, Ector, Jeff Davis, Loving, Upton, Midland, Martin, Pecos, Presidio, Reeves, Ward, Winkler, Kaufman, Rockwall, Johnson, Bosque, Somervell, Shelby, Travis, DeWitt, Jack, Young, McLennan, Navarro, Wilson, Karnes, Mills, Comanche, Starr, Willacy, Jim Hogg, Kleberg, Kennedy, Brooks, Wharton, Jackson, Clay, Archer, Falls, Smith, Angelina, Tyler, Hunt, Rains, Galveston, Gonzales, Palo Pinto, Stevens, Morris, Titus, Frio, Atascosa, McMullin, Live Oak, LaSalle, Anderson, Victoria, Goliad, Calhoun, Sabine, San Augustine, Freestone, Bowie, Harrison, Montague, Eastland, Hopkins, Delta, Franklin, Tarrant, Wise, Camp, Upshur, Matagorda, Brazoria, Fayette, Grayson, Cass, Gregg, Taylor, Collin, Henderson, Denton."

The amendment was adopted.

The amendment, as amended, was then adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 706 was then passed to engrossment.

HOUSE BILL NO. 706 ON THIRD READING

Mr. Fuchs moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 706 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Allen	Burkett
Allison	Cauthorn
Alsup	Chambers
Bailey	Clark
Baker of Grayson	Cleveland
Bell	Cockrell
Blankenship	Colquitt
Bond	Colson, Mrs.
Boyd	Cornett
Boyer	Corry
Bradbury	Daniel
Bradford	Donaghey
Bridgers	Faulkner
Brown of Cherokee	Ferguson
Brown	Fielden
of Nacogdoches	Fuchs
Bundy	Galbreath

Gilmer	Montgomery
Goodman	Morris
Gordon, Mrs.	Oliver
Hale	Petsch
Hamilton	Pevehouse
Hankamer	Piner
Hardeman	Pope
Hardin	Ragsdale
Harp	Reader of Bexar
Harper	Reader of Erath
Harrell of Lamar	Reed
Harris	Rhodes
Hartzog	Riviere
Heflin	Roach
Holland	Roberts
Howington	Robinson
Hull	Russell
Hunt	Schuenemann
Isaacks	Shell
Johnson of Ellis	Smith of Frio
Johnson of Tarrant	Smith of Hopkins
Kennedy	Smith
Kern	of Matagorda
Kerr	Spencer
King	Stinson
Langdon	Stoll
Lehman	Tarwater
Leonard	Taylor
Leyendecker	Tennant
Little	Thornberry
Loggins	Turner
Mays	Vint
McAlister	Westbrook
McDaniel	White
McDonald	Wilson
McFarland	Wood
McMurry	Worley
McNamara	Wright
Mohrmann	

Nays—2

Burney

London

Absent

Baker	Kinard
of Fort Bend	Lock
Bray	Monkhouse
Broadfoot	Newell
Celaya	Nicholson
Crossley	Pace
Davis of Jasper	Reaves
Davis of Upshur	Segrist
Dean	Skiles
Derden	Talbert
Dickison	Thornton
Dickson	Vale
Dwyer	Voigt
Felty	Waggoner
Harrell of Bastrop	Weldon
Kersey	

Absent—Excused

Anderson	Dowell
Coleman	Howard

Keith
Wells

Winfree

The Speaker then laid House Bill 706 before the House on third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 908 ON SECOND READING

Mr. Wright moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 908.

The motion prevailed by the following vote:

Yeas—101

Allen	Harris
Alsup	Heflin
Bailey	Holland
Baker	Howington
of Fort Bend	Hunt
Baker of Grayson	Isaacks
Bell	Kennedy
Blankenship	Kern
Bond	King
Boyd	Langdon
Bradbury	Lehman
Bridgers	Leonard
Broadfoot	Leyendecker
Brown of Cherokee	Little
Brown	Lock
of Nacogdoches	London
Bundy	Mays
Burkett	McDaniel
Burney	McDonald
Cauthorn	McNamara
Chambers	Mohrmann
Cleveland	Montgomery
Cockrell	Morris
Cornett	Oliver
Corry	Petsch
Daniel	Pevehouse
Davis of Jasper	Piner
Davis of Upshur	Ragsdale
Derden	Reader of Bexar
Dickison	Reader of Erath
Dickson	Reaves
Faulkner	Reed
Ferguson	Roach
Fielden	Roberts
Fuchs	Robinson
Gilmer	Russell
Gordon, Mrs.	Segrist
Hale	Shell
Hamilton	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Spencer
Harper	Stinson
Harrell of Lamar	Stoll

Tarwater
Taylor
Tennant
Thornberry
Turner
Vint
Voigt
Waggoner

Weldon
Westbrook
White
Wilson
Wood
Worley
Wright

Nays—28

Allison
Boyer
Bradford
Clark
Colquitt
Colson, Mrs.
Crossley
Dean
Donaghey
Dwyer
Galbreath
Goodman
Hankamer
Hartzog

Johnson of Ellis
Johnson of Tarrant
Kerr
Kinard
McAlister
McFarland
McMurry
Newell
Nicholson
Pope
Riviere
Schuenemann
Thornton
Vale

Present—Not Voting

Hull

Absent

Bray	Monkhouse
Celaya	Pace
Felty	Rhodes
Harrell of Bastrop	Smith
Kersey	of Matagorda
Loggins	Talbert

Absent—Excused

Anderson	Keith
Coleman	Wells
Dowell	Winfree
Howard	

REASON FOR VOTE

I voted nay on bringing House Bill 908 to the floor because it is a statutory sales tax, and Senate Joint Resolution No. 12 is now pending before the House and has been favorably voted upon by the Senate and has a better chance to pass.

ALLISON.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 908, A bill to be entitled "An Act to provide revenues for the purposes set out herein designated as social security taxes, such taxes to be levied upon transactions, services, activities, and natural resources as set out by the provisions of this Act; providing for severance taxes in

certain instances, making certain exemptions; defining the terms 'person,' 'sale,' 'tangible personal property' and 'sale for industrial purposes;' providing that the Comptroller of Public Accounts shall collect the taxes levied herein and pay the same to the State Treasurer; providing that the State Treasurer shall open and maintain certain special funds; providing for the transfer from the Texas Old Age Assistance Fund to the Destitute Children's Assistance Fund of One Million, Five Hundred Thousand (\$1,500,000.00) Dollars; providing for the transfer from the Texas Old Age Assistance Fund to the Teachers' Retirement Fund of an amount adequate to meet obligations for the period set out herein; providing that old age assistance, destitute children's assistance, teachers' retirement benefits and needy blind assistance and the State's administration thereof shall be paid exclusively from the revenue derived from the taxes herein levied and providing that no further taxes shall be levied for such purpose; making provisions relative to any deficit that may exist in the Old Age Assistance Fund; providing that the taxes levied herein are in addition to all other taxes that are now or may hereafter be levied; prohibiting cities or other political subdivisions of the State from levying occupation taxes or charges upon any person engaged in business in which the sales or service transactions are taxed under this Act and making certain exceptions; providing the effective date of this Act; repealing all laws or parts of laws in conflict herewith, and providing a saving clause."

The bill was read second time.

Question—Shall House Bill No. 908 pass to engrossment?

PROVIDING FOR THE CONSIDERATION OF HOUSE BILL NO. 908

Mr. Hale moved that the necessary House Rules, relative to the consideration of joint resolutions, on tomorrow, be suspended, for the purpose of taking up and considering, on tomorrow, House Bill No. 908.

The motion prevailed by the following vote:

Yeas—93

Allen
Alsup

Bailey
Baker of Grayson

Bell
Bond
Boyd
Bradbury
Bridgers
Brown of Cherokee
Brown of Nacogdoches
Burney
Cauthorn
Chambers
Cleveland
Cockrell
Cornett
Corry
Daniel
Davis of Jasper
Davis of Upshur
Dean
Derden
Dickison
Dickson
Ferguson
Fielden
Galbreath
Gilmer
Gordon, Mrs.
Hale
Hamilton
Hardeman
Hardin
Harp
Harper
Harrell of Lamar
Harris
Heflin
Holland
Howington
Hunt
Isaacks
Kennedy
Kern
Kerr
King
Langdon

Lehman
Leyendecker
Lock
London
Mays
McDaniel
McDonald
McNamara
Mohrmann
Montgomery
Morris
Oliver
Pace
Pevehouse
Piner
Ragsdale
Reader of Bexar
Reader of Erath
Reaves
Reed
Roach
Roberts
Robinson
Russell
Segrist
Skiles
Smith of Frio
Smith of Hopkins
Spencer
Stinson
Stoll
Tarwater
Tennant
Thornberry
Turner
Vint
Voigt
Waggoner
Weldon
Westbrook
White
Wilson
Wood
Worley
Wright

Nays—36

Allison
Baker of Fort Bend
Blankenship
Boyer
Bradford
Bundy
Burkett
Clark
Colquitt
Colson, Mrs.
Crossley
Donaghey
Dwyer
Faulkner
Goodman
Hankamer

Hartzog
Hull
Johnson of Ellis
Johnson of Tarrant
Kersey
Kinard
Little
McAlister
McFarland
McMurry
Newell
Nicholson
Petsch
Pope
Rhodes
Riviere
Schuenemann

Taylor
Thornton

Vale

Absent

Bray	Leonard
Broadfoot	Loggins
Celaya	Monkhouse
Dowell	Shell
Felty	Smith
Fuchs	of Matagorda
Harrell of Bastrop	Talbert

Absent—Excused

Anderson	Keith
Coleman	Wells
Howard	Winfree

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 83, Granting Judge Few Brewster permission to be absent from the State.

H. C. R. No. 84, Authorizing certain correction in House Bill No. 74.

H. C. R. No. 85, Authorizing certain correction in House Bill No. 336.

H. B. No. 617, "An Act to amend Chapter 83, Senate Bill No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its second Called Session, as amended by House Bill No. 291, Chapter 244, of the General Laws, passed by the Forty-fifth Legislature of Texas, at its Regular Session by providing in Section 4 of said Act that credit for three (3) hours of military science as provided in an approved senior R. O. T. C. unit may be substituted for three hours of government as specified in the Act, and declaring an emergency."

H. B. No. 683, "An Act defining a Commercial Fisherman; providing for a license for any person, firm or corporation operating as such; providing for the issuance of non-residence licenses; defining the coastal waters over which the State of Texas has jurisdiction; providing for a penalty; providing for the enforcement of this Act, and declaring an emergency, and effective date of this Act."

H. B. No. 534, "An Act to amend Section 1 of House Bill No. 31, Acts, 1937, of the Second Called Session of the Forty-fifth Legislature."

H. B. No. 812, "An Act providing the amount of traveling and office expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for the expenditures for traveling and office expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House bills introduced today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Langdon:

H. B. No. 957, A bill to be entitled, "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open seasons on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Heflin:

H. B. No. 958, A bill to be entitled, "An Act providing for a budget system in counties of 350,000 inhabitants or more as shown by the last preceding Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said Counties; and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Felty asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 959.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate Committee, as follows:

By Mr. Felty, Mr. Dwyer, and Mr. Reader of Bexar:

H. B. No. 959, A bill to be entitled, "An Act validating the organization of water control and improvement districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than two hundred and fifty thousand (250,000) and not more than three hundred and ten thousand (310,000), according to the last preceding Federal Census; and validating all Acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said district, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

Mr. Heflin asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 960.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Heflin:

H. B. No. 960, A bill to be entitled, "An Act to create a police pension system for all cities in this State having a population in excess of 290,000, according to the preceding or any future Federal Census; providing for the creation of a policemen's relief and retirement fund for such cities; providing that said fund shall be administered by a pension board; providing who shall participate in said pension fund; providing how said pension board shall be constituted, appointed, and organized, and providing the duties of said pension board; providing that the city treasurer shall be the treasurer of such fund, and defining his duties; providing that a per-capita contribution of members of such police departments shall be paid into said fund, and providing for the proportionate reductions in salary for

the purpose of making such contribution; providing for the segregation of a portion of general pension funds on hand to be allocated to said police pension funds; providing authority for members of such police departments to assign past due salary to said fund; providing that such cities may make appropriations from the general fund into said pension fund, and providing other methods for the raising of moneys for said pension fund; providing authority for investing moneys of said pension fund; providing that no benefit shall be paid out of any such fund prior to January 1st, 1942; providing for the payment of a retirement pension and the issuance of retirement pension certificates; providing for the payment of total and permanent disability benefits and the issuance of certificates thereof; providing for the payment of benefits to certain relatives and dependents in the event members of such police departments shall die as a result of injuries or sickness incurred in line of duty; providing for payments to certain relatives and dependents in the event of the death of pensioners or those entitled to pensions; providing for refunds to members who leave such police departments; providing for reductions in benefits in the event of depletion of such pension fund; providing for legal service and the employment of an actuary; providing for the exemption from legal process, and other protection for such pension funds; providing a savings clause; providing a method of construction of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Cockrell moved to introduce at this time and have placed on first reading House Bill No. 961.

The motion prevailed by the following vote:

Yeas—122

Allen	Boyer
Allison	Bradbury
Alsup	Bradford
Bailey	Bray
Baker	Brown of Cherokee
of Fort Bend	Burkett
Baker of Grayson	Cauthorn
Bell	Chambers
Blankenship	Clark
Bond	Cleveland
Boyd	Cockrell

Colson, Mrs.	McAlister
Cornett	McDaniel
Crossley	McDonald
Daniel	McFarland
Davis of Jasper	McMurry
Davis of Upshur	McNamara
Dean	Mohrmann
Derden	Montgomery
Dickison	Morris
Donaghey	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Pevehouse
Fielden	Piner
Fuchs	Pope
Galbreath	Ragsdale
Gilmer	Reader of Erath
Goodman	Reaves
Gordon, Mrs.	Reed
Hale	Rhodes
Hamilton	Riviere
Hankamer	Roach
Hardeman	Roberts
Hardin	Robinson
Harp	Russell
Harper	Schuenemann
Harrell of Bastrop	Segrist
Harrell of Lamar	Shell
Hartzog	Skiles
Heflin	Smith of Frio
Holland	Smith of Hopkins
Howington	Spencer
Hull	Stoll
Hunt	Talbert
Isaacks	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Tennant
Kennedy	Thornberry
Kern	Thornton
Kerr	Turner
Kersey	Vale
King	Voigt
Langdon	Waggoner
Lehman	Weldon
Leonard	Westbrook
Leyendecker	White
Little	Wilson
Lock	Wood
Loggins	Worley
London	Wright
Mays	

Nays—1

Brown
of Nacogdoches

Present—Not Voting

Vint

Absent

Bridgers	Celaya
Broadfoot	Colquitt
Bundy	Corry
Burney	Dickson

Dwyer	Reader of Bexar
Harris	Smith
Kinard	of Matagorda
Monkhouse	Stinson
Pace	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Cockrell:

H. B. No. 961, A bill to be entitled, "An Act to aid the counties of Lampasas, San Saba, and McCulloch in protecting their flooded areas and public court houses from calamitous overflows by donating and granting to them all State ad valorem, occupation and poll taxes collected on property and from persons in said counties for a period of ten years, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Baker of Fort Bend asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 962.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Baker of Fort Bend and Mr. Bell:

H. B. No. 962, A bill to be entitled "An Act amending Article 2843 of the Revised Civil Statutes of the State of Texas, providing for a uniform free text book system, and declaring an emergency."

Referred to the Committee on Education.

Mr. McFarland asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 963.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. McFarland:

H. B. No. 963, A bill to be entitled "An Act amending Article 768 of the

code of criminal procedure of the State of Texas of 1925, as amended by Senate Bill No. 261, Chapter 86, page 129, Acts of the Regular Session of the Forty-second Legislature, 1931, vesting in trial judges discretionary authority to credit defendants in criminal cases with the time spent in jail awaiting trial; and providing and vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail after trial and conviction, in all cases where defendants fail to give bond or enter into recognizance; providing such discretion shall not apply in cases where bond and/or recognizance is not permitted by law, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

Mr. Morris asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 964.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Morris and Mr. Leonard:

H. B. No. 964, A bill to be entitled "An Act to amend Acts, 1937, Forty-fifth Legislature, page 229, Chapter 125, Section 2, and declaring an emergency."

Referred to the Committee on Insurance.

Mr. Shell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 965.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Shell:

H. B. No. 965, A bill to be entitled "An Act declaring a certain area adjacent to the town of Rockport, Aransas County, Texas, a Wildlife Sanctuary; providing a suitable penalty for hunting thereon; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

ADJOURNMENT

Mr. Harris moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Morris moved that the House recess until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows:

Yeas—36

Bradford	McAlister
Broadfoot	McDaniel
Brown	McFarland
of Nacogdoches	Oliver
Burkett	Ragsdale
Cauthorn	Reed
Colquitt	Roberts
Colson, Mrs.	Russell
Crossley	Schuenemann
Derden	Segrist
Donaghey	Shell
Gilmer	Skiles
Hankamer	Smith
Harris	of Matagorda
Hartzog	Stoll
Hunt	Taylor
Kerr	Tennant
King	Vale
Lock	Waggoner

Nays—43

Allen	Kern
Bailey	Kinard
Baker	Langdon
of Fort Bend	Lehman
Boyd	Loggins
Boyer	Mohrmann
Bradbury	Montgomery
Bundy	Morris
Burney	Newell
Cockrell	Pevehouse
Cornett	Piner
Corry	Reader of Erath
Daniel	Roach
Dickison	Thornberry
Dwyer	Thornton
Gordon, Mrs.	Turner
Hale	Vint
Hardin	Weldon
Harp	Westbrook
Harrell of Lamar	White
Heflin	Worley
Isaacks	Wright

Absent

Allison	Bell
Alsup	Blankenship
Baker of Grayson	Bond

Bray	Kersey
Bridgers	Leonard
Brown of Cherokee	Leyendecker
Celaya	Little
Chambers	London
Clark	Mays
Cleveland	McDonald
Davis of Jasper	McMurry
Davis of Upshur	McNamara
Dean	Monkhouse
Dickson	Nicholson
Faulkner	Pace
Felty	Pope
Ferguson	Reader of Bexar
Fielden	Reaves
Fuchs	Rhodes
Galbreath	Riviere
Goodman	Robinson
Hamilton	Smith of Frio
Hardeman	Smith of Hopkins
Harper	Spencer
Harrell of Bastrop	Stinson
Holland	Talbert
Howington	Tarwater
Hull	Voigt
Johnson of Ellis	Wilson
Johnson of Tarrant	Wood
Kennedy	

Absent—Excused

Anderson	Keith
Coleman	Petsch
Dowell	Wells
Howard	Winfree

Mr. Mays raised a point of order that there was not a quorum present.

The Speaker sustained the point of order.

On motion of Mr. Harris the House, at 7:20 o'clock p. m., adjourned until 10:15 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution as follows:

State Affairs: House Bill No. 953; Senate Concurrent Resolution No. 18.

Conservation and Reclamation: Senate Bill No. 329.

Insurance: Senate Bill No. 370.

Banks and Banking: House Bill No. 880.

Commerce and Manufacturers: House Bill No. 737.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 84, A Resolution authorizing correction of House Bill No. 74.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 85, Authorizing the Enrolling Clerk of the House to make certain changes in House Bill No. 336.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 333, A bill to be entitled "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 490, A bill to be entitled "An Act amending House Bill No. 38, Chapter 7, page 13, of the General and Special Laws of the Forty-third Legislature, Third Called Session, 1934, providing for open season for taking squirrels in Nacogdoches County; providing penalties; repealing all laws in so far as they may be

in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 603, A bill to be entitled "An Act granting permission to John Albert Jordan to bring suit against the State of Texas, in a court of competent jurisdiction, for damages for personal injuries received by him while a student in the Deaf and Dumb School of the State of Texas, and which injuries are alleged to have produced damages to the said John Albert Jordan; providing that any judgment so recovered to be paid out of the funds of the State of Texas; providing that if any provisions of this Act shall be invalid, that validity of the other provisions thereof shall not be affected, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 623, A bill to be entitled "An Act to amend Chapter 495, Article 3, Section 4, Acts of the Third Called Session of the Forty-fourth Legislature."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 626, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature as amended by House Bill No. 373, Chapter 264, page 651 of the Acts of the Forty-fourth Legislature as amended by House Bill No. 893, Chapter 257,

of the Acts of the Regular Session of the Forty-fifth Legislature; providing for additional time for organization under such Act prescribing the time of organization and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 633, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 664, A bill to be entitled "An Act adding Article 4281a to the Revised Civil Statutes of Texas of 1925, as amended, providing for reimbursement for costs and other expenses incurred by counties in Texas in the trial and transportation of lunatics who are not bona fide residents of the State of Texas, providing for their return to their home State, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 679, A bill to be entitled "An Act to amend Article 7255 of the Revised Civil Statutes of 1925, by providing that the Commissioners' Court of a county may order the Tax Assessor and Collector of said County to post notices in each voting or jus-

tice precincts in said County of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. 735, A bill to be entitled "An Act authorizing the Commissioners' Court of any county in this State or the governing body of any other subdivision of this State to enter into agreements with the Texas State Employment Service for the establishment and maintenance of a free public employment service within such county or political subdivision and authorizing the Commissioners' Court of any county or the governing body of any other political subdivision to appropriate and expend monies for such purpose."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 794, A bill to be entitled "An Act amending Article 6686, Title 116, of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new paragraph providing for the issuance of in-transit permit by the State Highway Commission to any person, firm or corporation engaged in and using the drive-a-way system of transporting motor vehicles under their own power, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 814, A bill to be entitled "An Act to declare it unlawful to

take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkeys in Young and Jack Counties for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 53, Granting permission to S. W. Knox and his wife, Dora Knox, to bring suit against the State of Texas, and against the Highway Department of the State of Texas in any Court of competent jurisdiction in Van Zandt County, Texas.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 41, Indorsing the plan for a great National Patriotic Revival, and authorizing and requesting the Governor to direct and arrange for suitable observance of Flag Week.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 42, Authorizing Ennis Miller to sue the State.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 585, "An Act to reorganize the One Hundred and Fourth Judicial District of the State of Texas; and to prescribe the time, and fix the terms of holding the Courts in the several Counties thereof; and to conform all writs and process from such Courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several Counties of said District as herein fixed, and to validate all processes; and to validate the summoning of Grand and Petit Jurors and Juries; repealing all laws and parts of laws in conflict herewith; and fixing the time when this Act shall become effective, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 269, "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that the right of the State shall not be barred by any of the provisions of this Title, and to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk, or grounds belonging to any town, city, or county, or which have been donated or dedicated for public use in any such town, city, or county by the owner thereof, or which have been laid out or dedicated in any manner to public use in any town, city or county in this State; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 797, "An Act creating a special road law in Zapata County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 413, "An Act providing that all ordinances hereafter enacted by Home Rule Cities in the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas, and the provisions of Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the charters of such cities and establishing rule for publication of ordinances prescribing penalties where charter does not provide for such publication; providing this Act shall be cumulative of other laws, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 380, "An Act applying to counties which have a population of five thousand, five hundred and eighty-six (5,586) in the Federal Census of 1930 and a scholastic population of one thousand, six hundred and ninety-four (1,694) in the scholastic year 1938-1939; and providing exemptions relative to tax rates, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 379, "An Act amending Section 1 of House Bill No. 1002, Chapter 363, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, and Section 4 of Chapter 362, General Laws of the Forty-fourth Legislature, Regular Session, as amended by Chapter 195, General and Special Laws, Forty-fifth Legislature, Regular Session, relating to compensation of County Commissioners in certain counties; providing a saving clause; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 230, "An Act repealing Chapter 21 of the Laws of the Forty-fourth Legislature, Regular Session, being House Bill No. 874, Pages 1185 and 1186 of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 158, "An Act to amend Article 3336, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925 as amended, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 472, "An Act establishing a County Law Library in each county in the State having an area of not less than one thousand, one hundred and thirty (1,130) and not more than one thousand, five hundred (1,500) square miles, and with a population according to the last Federal Census of not less than eleven thousand, three hundred (11,300) and not more than twelve thousand, five hundred (12,500), and whose county seat is in a city having a population of not less than two thousand, two hundred (2,200) and not more than three thousand (3,000) according to the last Federal Census; providing a fund to be administered by the Commissioners' Court of such counties, and to be raised by collecting One Dollar (\$1) as cost in each case filed in the District and County Courts of such counties, except such fee shall not be collected or charged in delinquent tax suits, but shall include all civil and criminal cases filed on the dockets of the respective Courts as hereinabove set out; providing however, that the County shall in no event be liable for any cost in any civil or criminal case; providing for a custodian, a librarian and salaries therefor; providing this Act shall not affect any other law now in effect with respect to any other county, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 450, "An Act to amend Article 5922, of the Revised Civil Statutes of Texas, 1925, with reference to the petition and hearing for the removal of disabilities of minors, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 438, "An Act authorizing the County Judge to employ a stenographer or clerk in counties having a population of not more than seven thousand, eight hundred (7,800) and not less than seven thousand, seven hundred (7,700), and in counties of not more than ten thousand, four hundred and ninety-nine (10,499) and not less than ten thousand, three hundred and ninety-nine (10,399) inhabitants, according to the last preceding Federal Census; fixing salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 426, "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal year beginning September 1, 1936, and ending August 31, 1938, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 414, "An Act validating all Ordinances of Home Rule Cities

in Texas incorporated and operating under the provisions of the Home Rule Amendment to the Constitution of the State of Texas, and under Title 28, Chapter 13 of the Revised Civil Statutes of Texas, 1925, where such Ordinances have been enacted in compliance with the Charters of such Home Rule Cities; providing that this Act shall not apply to ordinances, levies or to bonds or warrants issued thereunder, the validity of which has been or will be attacked by suit filed within ninety (90) days after effective date of Act; and granting to persons adversely affected by ordinances hereafter enacted in violation of provisions of said Charter injunctive relief, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 566, "An Act authorizing persons residing in county line school districts and who are otherwise qualified voters to vote for county school trustees of the county having management and control of such county line school district, even though such voters reside in that portion of the county line district lying outside of the county having management and control of the county line district; repealing all laws and parts of laws in conflict herewith to the extent of such conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 666, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any pheasants, blue quail, or bobwhite in Comanche County for a period of four (4) years from and after the passage of this Act;

providing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 565, "An Act to amend Section 3, of Chapter 506, of the General Laws of the State of Texas, passed at the Regular Session of the Forty-fifth Legislature providing for parties and procedure in tax suits; and providing for persons owning property or an interest therein whose names are unknown to be made parties in such suits under designation of 'Unknown Owner or Owners' of such property; providing for heirs of deceased persons whose names are unknown to be made parties to such suits under designation of 'Unknown Heirs' of such deceased person; providing for citation and service upon defendants in such suits whose residence is known and upon absent and nonresident defendants; and providing for notice to be given by publication or posting and prescribing the form and manner of giving such notice, in cases where defendants in such suits are nonresidents of the State, and where the names of owners are unknown to the attorney filing the suit, and where defendants are the heirs of deceased person and their names are unknown; and providing that citation or notice on behalf of any taxing unit shall require all parties to the suit to plead and answer all pleadings then on file or thereafter filed by any party to the suit, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 552, "An Act conveying the title of the State of Texas to Lot No. Eight (8) in Block No. Thirty-eight (38) of the original townsite of Rosenberg, Fort Bend County, Texas, according to the plat

of said town, appearing of record in Volume P, Pages 146 and 147 of the Deed Records of Fort Bend County, Texas, acquired by the State under tax sale to Mrs. Thelma Moers Forster, to her separate use and benefit, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 718, "An Act to amend Article 7340 of Title 55 of the Revised Civil Statutes of Texas, 1925, relating to notice by publication in the taking of depositions of witnesses in civil cases, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 674, "An Act amending Article 1667 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-second Legislature, 1931, Second Called Session, page 62, Chapter 38, as amended by Acts of the Forty-third Legislature, 1933, page 364, Chapter 140, placing certain counties under the provisions of said Article and providing control over finances in such counties by auditors; providing compensation for such auditors, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 670, "An Act amending Article 2691a, Revised Civil Statutes of Texas of 1925, to provide for a rural school supervisor in counties having a population of forty-six thousand, one hundred (46,100) to forty-six thousand, two hundred (46,200),

according to the last available Federal Census; providing duties of supervisors; limiting the amount of salary; exempting County Superintendents from holding teachers' institutes in certain counties; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 807, "An Act ratifying, confirming, and validating all acts of County Boards of Trustees in any county of this State having a population of not less than twenty-two thousand, five hundred and seventy (22,570) nor more than twenty-two thousand, six hundred (22,600), according to the last preceding or any subsequent Federal Census, ordering an election for the purpose of laying out, establishing, combining, abolishing, or changing any Independent or Common School Districts, and all elections held in any county in this State for the purpose of laying out, establishing, combining, abolishing, or changing any such Independent or Common School District; and ratifying, confirming, and validating an election of any Independent School District held for the purpose of authorizing the issuance of bonds and levying a tax for the payment of said bonds where there has been in the election proceedings of such election, in the petition for election, order of the School Board for such election, notice of election and order declaring the results thereof, certain errors and irregularities in certain counties; providing that this Act shall not affect districts which may be involved in litigation at the effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 745, "An Act amending Article 7047 (6), Revised Civil Stat-

utes of Texas of 1925, as enacted by Acts, First Called Session, 1897, page 49; as amended by Acts, 1931, Forty-second Legislature, page 355, Chapter 212, Section 1, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 719, "An Act to amend Article 6085 of Title 104 of the Revised Civil Statutes of Texas of 1925, relating to the publication of citation where defendant is unknown, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 85, Authorizing the Enrolling Clerk of the House to make certain changes in House Bill No. 336.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 84, Authorizing correction of House Bill No. 74.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 534, "An Act providing an open season for mourning doves in Ellis County, and providing that other laws of this State with reference to taking mourning doves shall apply in Ellis County; fixing a pen-

alty for violation of this Act; repealing all laws in so far as they conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 683, "An Act defining a 'nonresident commercial fisherman'; providing for a nonresident commercial fishing license and the fee for same; specifying boundary lines within which commercial fishermen may fish; providing a person must have a nonresident fishing license to bring aquatic products into this State on a boat and offer same for sale; providing a penalty for violation of the Act; providing for the seizure of boats and tackle for evidence; providing for maintenance of a boat to enforce the provisions of this Act; providing for disposition of funds collected under this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 83, Granting permission to the Honorable Few Brewster of the Twenty-seventh Judicial District of the State of Texas to be absent from the State at intervals during the years 1939 and 1940.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 812, "An Act providing the amount of traveling and office expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for the expenditures for traveling and office expenses in certain counties, according to the last preceding Federal Census, repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 617, "An Act to amend Chapter 83, Senate Bill No. 179 of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, as amended by House Bill No. 291, Chapter 244 of the General Laws passed by the Forty-fifth Legislature of Texas at its Regular Session, by providing in Section 4 of said Act that credit for three (3) hours of Military Science as provided in an approved senior R.O.T.C. unit may be substituted for three (3) hours of Government as specified in the Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

April 10, 1939

House Bill No. 57.

House Bill No. 429.

House Bill No. 516.

House Bill No. 527.

House Concurrent Resolution No. 42.

In Memory of Joel S. Turlington

Mr. Ferguson offered the following resolution:

H. S. R. No. 213, In memory of Joel S. Turlington.

Whereas, On Wednesday, of April 6th, 1939, the Supreme Architect of the Universe has, in his infinite wisdom, called from this earth Mr. Joel S. Turlington of Tatum, Texas, and

Whereas, Joel S. Turlington of Tatum, Texas, was the father of the Honorable C. M. Turlington, distinguished member of the Forty-third Legislature, and

Whereas, Joel S. Turlington has served a long and useful life and his passing is a distinct loss to his community as well as an irreparable loss to his family; now, therefore, be it

Resolved by the House of Representatives of Texas, That we extend our deepest sympathy in this hour of bereavement to C. M. Turlington and to the other surviving members of the family; and, be it further

Resolved that this resolution be printed in the Journal and a copy be mailed to each member of the family of Joel S. Turlington, and that when the House of Representatives adjourns today that it do so in honor of his memory.

FERGUSON.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Colson, Mrs., Cornett, Corry, Crossley, Daniel, Davis of Upshur, Davis of Jasper, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Gordon, Mrs., Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Lamar, Harrell of Bastrop, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Tarrant, Johnson of Ellis, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Hopkins, Smith of Frio, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tawater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On the motion of Mr. Wood the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of Judge Nelson Phillips

Mr. Stinson offered the following resolution:

H. S. R. No. 216, In memory of Judge Nelson Phillips.

Whereas, On March 30, 1939, the Supreme Ruler of the Universe called from the walks of life Judge Nelson Phillips, one of the outstanding lawyers and jurists of Texas, whose learned and scholarly opinions will remain always as bright jewels in the jurisprudence of this State; and

Whereas, Judge Phillips served his State as Judge of the Eighteenth Judicial District, and in 1910 as Chairman of the State Democratic Convention in Galveston, and as Chief Justice of the Supreme Court of Texas through the appointment of Governor O. B. Colquitt from 1912 until 1915 when he resigned to resume his law practice in Dallas; and

Whereas, Until the time of his death he took an active interest in the affairs of his city and State and especially in promoting the welfare of his chosen profession; and

Whereas, His eloquence and scholarly abilities distinguished him at all public meetings which he attended, and his courteous manners endeared him to all who knew him; and

Whereas, His passing will be a distinct loss to the State and to the community in which he lived; now, therefore, be it

Resolved by the House of Representatives that it sincerely regrets the passing of this outstanding citizen and that the Chief Clerk of the House be directed to convey the sympathy of this body to the bereaved family, and to send a copy of this Resolution to the members of the family; and be it further

Resolved, That a page of the House Journal be dedicated to the memory of Judge Nelson Phillips, and that when the House adjourns today it do so in memory of this noble man.

STINSON,
REED,
McDANIEL,
COLQUITT,
SEGRIST,
BLANKENSHIP.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colson, Mrs., Cornett, Corry, Crossley, Daniel, Davis of Upshur, Davis of Jasper, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Gordon, Mrs., Hale, Hamilton, Hankamer, Harde-
man, Hardin, Harp, Harper, Harrell of Lamar, Harrell of Bastrop, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Tarrant, Johnson of Ellis, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Erath, Reader of Bexar, Reaves, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Shell, Skiles, Smith of Hopkins, Smith of Frio, Smith of Matagorda, Spencer, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley, and Wright.

On motion of Mr. Goodman the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of Hon. Pink L. Parrish

Mr. Allison offered the following resolution:

H. S. R. No. 220, In memory of Hon. Pink L. Parrish.

Whereas, The House of Representatives has learned with deep regret of the passing on April 10, of the Hon. Pink L. Parrish, esteemed former Member of the Senate, and one of Texas' most beloved citizens; and

Whereas, Senator Parrish began active public life as County Judge of Crosby County in 1908 and continued in that position of public benefactor and service until 1920 during which time he became widely known throughout the State for his services to his fellowmen; and

Whereas, Senator Parrish has been of unestimatable service to the South Plains section of this great State, having served as the Honorable Mayor of Lubbock from 1926 to 1928 at which time he launched his career as one of Texas' most able Senators, serving in the State Senate from 1929 until 1935; and

Whereas, As Senator from the great plains of West Texas, the Hon. Pink L. Parrish did render to his people and the citizens of Texas an untiring service which was rewarded by a great host of friends extending from the broad plains of West Texas to the shores of the Rio Grande River and throughout the entire length and breadth of this great State; and

Whereas, His life as a servant of the people of Texas has made his name known to all citizens in all walks of life as a man of great moral integrity, physical endurance and unbounded friendliness; and

Whereas, It is doubtful that Texas, great as is its confines and mighty as is its people will ever be able to boast of a more sterling statesman and loyal public servant; now, therefore, be it

Resolved by the House of Representatives, That when we adjourn today we do so in honor and respect to the Hon. Pink L. Parrish, and expressing our sincere sympathy to his bereaved family.

ALLISON,
HARRIS.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Alsop, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Colson, Mrs., Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Gordon, Mrs., Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On the motion of Mr. Goodman, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.